

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present : Shri T K Jose, Chairman
Adv. A.J Wilson, Member
Shri B Pradeep, Member

In the matter of : Schedule of Tariff and Terms and Conditions for Retail Supply of Electricity by KSEB Ltd and all other Licensees in the State of Kerala with effect from 01.10.2023 to 31.10.2023.

File No.0297/D(T)/2022/KSERC

Order dated 29.09.2023

1. The Commission, in exercise of the powers vested in it under Section 62 and 64 of the Electricity Act, 2003 and provisions of the Tariff Regulations, 2021 had issued the ARR, ERC and Tariff Order dated 25.06.2022 in petition OP No.11/2022 filed by KSEB Ltd, after duly considering the written as well as oral comments, suggestions, submissions and objections raised by the stakeholders during the public hearings and various judgments of the Hon'ble Appellate Tribunal for Electricity and Hon'ble Supreme Court. The Commission also has approved the 'Schedule of Tariff and Terms and Conditions for Retail Supply of Electricity by KSEB Ltd and all other licensees with effect from 26.06.2022 to 31.03.2023 along with the Tariff Order.
2. Regarding the retail electricity tariff applicable from 01.04.2023, the Commission vide the ARR, ERC & Tariff Order dated 25.06.2022 in OP No.11/2022 had ordered the following;

“7.1 Considering all these aspects in detail, the Commission decided to determine the tariff for the financial year 2022-23 based on the present petition filed by KSEB Ltd. The tariff approved for the year 2022-23 shall continue till 31.03.2023. The Commission may determine/ decide on the tariff applicable from 1st April-2023, based on a petition filed by KSEB Ltd as per the provisions of the Electricity Act, 2003 and Tariff Regulations, 2021.”
3. In compliance of the directions of the Commission, KSEB Ltd on 08.02.2023 had filed the petition for proposal to revise the Schedule of tariff and Terms and Conditions for supply of electricity within the State w.e.f 01.04.2023 to 31.03.2027. The Commission admitted the petition as OP No. 18/2023 and uploaded the petition at the website of the Commission. As directed by the Commission, the abstract of the petition was published in two Malayalam dailies and one English daily having wide circulation in the State of Kerala.

The Commission had also conducted public hearings on the petition at various places across the State for gathering the views of the stakeholders on the tariff proposals, the details are given below;

SL No	Date and Time	Venue
1	08.05.2023, 11:00 AM	Nalanda Auditorium, Kozhikode
2	09.05.2023, 11:00 AM	Jilla Panchayath Hall, Palakkad
3	10.05.2023, 11:00 AM	Cochin Municipal Corporation, North Town Hall, Ernakulam
4	15.05.2023, 11:00 AM	Institution of Engineers Hall, Vellayambalam, Thiruvananthapuram

4. Considering the considerable time required to determine the tariff, the Commission vide the Order No. 0297/D(T)/2022/KSERC dated 23.03.2023, had extended the validity of the prevailing 'Schedule of Tariff and Terms and Conditions for Retail Supply of Electricity by KSEB Ltd and all other licensees' for a further period up to 30.06.2023.
5. In the meanwhile, the Kerala High Tension and Extra High Tension Industrial Electricity Consumers Association (HT&EHT Association) filed a Writ Petition WP(C) No. 19205 of 2023 before the Hon'ble High Court of Kerala. Hon'ble High Court vide its Order dated 14.06.2023 has directed not to pass any tariff Order during the pendency of the writ petition, till the date of next hearing.
6. Considering the stay on passing any tariff Order during the pendency of the writ petition issued by the Hon'ble High Court of Kerala, this Commission vide the Orders dated 30.06.2023 and 31.07.2023 had extended the validity of the prevailing 'Schedule of Tariff and Terms and Conditions for Retail Supply of Electricity by KSEB Ltd and all other licensees' for a further period up to 30.09.2023.
7. In the meanwhile, the Hon'ble High Court of Kerala vide its judgment dated 07.09.2023 in Writ Petition WP(C) No. 19205 of 2023 has decided on the matter and ordered as follows;

“.....

Accordingly, Regulation 34 (iv) of Ext. P21(d) final Tariff Regulations to the extent it differs from Regulation 34 (iv) of Ext. P21(c) draft Tariff Regulations is declared as illegal and is, set aside. It will be open to the Regulatory Commission to specify the terms and conditions for the determination of tariff as regards repayment of principal amount on Master Trust Bonds after complying with the requirement of Section 181 (3) of the Electricity Act, 2003 and the Electricity (Procedure for Previous Publication) Rules, 2005 and in accordance with law.

The writ petition is disposed of.”
8. The Commission is in the process of determining the Schedule of Tariff and Terms and Conditions for Retail Supply of Electricity by Kerala State Electricity Board Limited and all other Licensees for the MTY Control Period from 2023-24 to 2026-27. However, it may take few more weeks to complete the process of tariff determination as per the provisions of the EA-2003.
9. Considering all these aspects in detail, the Commission hereby orders that the validity of the prevailing 'Schedule of Tariff and Terms and Conditions for Retail Supply of Electricity by Kerala State Electricity Board Limited and all other Licensees' approved by the Commission vide Order dated 25.06.2022 in petition No. OP 11/2022, is

extended from 01.10.2023 to 31.10.2023 or till the date of effect of the new Tariff Order to be determined by the Commission, for the control period 2023-24 to 2026-27, whichever is earlier.

**Sd/-
T K Jose
Chairman**

**Sd/-
Adv. A J Wilson
Member**

**Sd/-
B Pradeep
Member**

Approved for issue

Sd/-
C R Satheesh Chandran
Secretary