

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

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

OP No 62/2023

In the matter of : Petition on Redetermination of Project Specific
Tariff for electricity generated from M/s INOX.

Petitioner : Kerala State Electricity Board Ltd (KSEB Ltd)
Respondents : 1. M/s INOX Wind Energy Ltd
2. M/s Damodar Jagannath Malpani.

KSEB Ltd represented by : Smt Latha S.V, Executive Engineer
Sri. Shine Raj, Asst: Executive Engineer

Respondent-2 represented by : Adv Joseph Kodianthara, Counsel for the 2nd
respondent

First hearing conducted on : 07.02.2024, 10:30 AM
Second hearing conducted on : 11.04.2024, 11:00 AM

Venue : Court Hall of the Commission

Daily Order dated 12.04.2024

1. M/s Kerala State Electricity Board Ltd (hereinafter referred as petitioner) filed a petition before the Commission on 13.09.2023 with the prayers to;

“To re-determine the tariff for the electricity generated by M/s.INOX Renewable Limited from the date of CoD, considering the actual CUF of the project in accordance with Section 22(3) of KSERC (Renewable Energy) Regulation, 2015 and directed by Hon’ble Commission in Para 22(4) of the order dated 31.03.2022 in OP No. 19/2021”

2. The first hearing on the petition was conducted on 07.02.2024. Shri Rajan M.P, Deputy Chief Engineer and Smt Latha S.V, Executive Engineer, appeared on behalf of the petitioner KSEBL. Senior Advocate, Shri. Joseph Kodianthara appeared on behalf of the 2nd respondent M/s Damodar Jagannath Malpani.

At the outset of the hearing, the Senior Counsel of the 2nd respondent, raised the issue that the 1st respondent in the original petition M/s INOX Renewables Ltd, is not in existence at present. The Commission, vide the Order dated 31.03.2022 in petition OP No.19/2021, permitted the substitution of the name of the developer of wind plant from M/s INOX Renewables Ltd to M/s INOX Wind Energy Ltd. and the tariff is fixed for M/s INOX Wind Energy Ltd. As a result, M/s INOX Wind Energy Ltd is to be impleaded as the 1st respondent instead of M/s INOX Renewables Ltd.

Based on the deliberations during the first hearing, the Commission directed the petitioner KSEB Ltd to submit an additional affidavit by substituting the

name of the first respondent in Petition OP No. 62/2023 to M/s INOX Wind Energy Ltd.

3. In compliance of the direction of the Commission, the petitioner KSEBL vide the additional submission dated 29.02.2024 has substituted the name of the 1st respondent with M/s INOX Wind Energy Ltd.
4. Thereafter, the Commission has scheduled the second hearing of the petition on 11.04.2024, and issued notices to the petitioner and to the respondents including the 1st respondent with name M/s INOX Wind Energy Ltd.

Smt Latha S.V, Executive Engineer and Shri Shine Raj, Asst: Executive Engineer, appeared on behalf of the Petitioner. Senior Advocate Shri. Joseph Kodianthara appeared on behalf of the 2nd respondent. Nobody appeared on behalf of the 1st respondent M/s INOX Wind Energy Ltd. The summary of the deliberations during the second hearing is given below.

- (1) The petitioner KSEBL briefly presented the matter before the Commission.
- (2) The Senior Counsel on behalf of the 2nd respondent submitted that, though the petitioner has substituted the name of the 1st respondent 'M/s INOX Renewables Ltd' with 'M/s INOX Wind Energy Ltd' vide its additional submission dated 29.02.2024, the Commission is yet to issue formal Orders on allowing the request of KSEBL to implead M/s INOX Wind Energy Ltd as 1st respondent in petition OP No. 62/2023.

Without issuing the formal Orders on accepting the request of the petitioner KSEBL, the participation of the 1st respondent M/s INOX Wind Energy Ltd in the proceedings of the subject matter before the Commission is not deemed to be just and proper.

5. Based on the deliberations of the subject matter, the Commission hereby orders the following;
 - (1) Allow to implead M/s INOX Wind Energy Ltd as the 1st respondent in the petition OP No. 62/2023.
 - (2) Allow two weeks time from the date of this Order to M/s INOX Wind Energy Ltd to file the counter affidavit with a copy to the petitioner KSEBL and the second respondent M/s Damodar Jagannath Malpani.
 - (3) KSEBL and 2nd respondent may file rejoinder, if any, within a week thereafter.

The date and time of the next hearing shall be communicated separately.

Sd/-
T K Jose
Chairman

Sd/-
Adv. A J Wilson
Member

Sd/-
B Pradeep
Member

Approved for issue

Sd/-
C R Satheesh Chandran
Secretary