

BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION
No. 16 C-1, Miller Tank Bed Area, Vasanth Nagar, Bengaluru- 560 052

Dated : 26th September, 2019

Present:

Shri Shambhu Dayal Meena	..	Chairman
Shri H.M. Manjunatha	..	Member
Shri M.D. Ravi	..	Member

OP No.154/2017

BETWEEN:

Country Power Management Company Private Limited
A Company registered under the provisions of
Companies Act, 1956 having its registered Office
at No: 1162, 12th A Main, HAL 2nd Stage,
Indira Nagar-Bengaluru 560 038
(Represented by its Authorised signatory)

.. **PETITIONER**

[Represented by Navayana Law Offices, Advocates]

AND:

1. Karnataka Power Transmission Corporation Limited,
A Company registered under the provisions of
Companies Act, 1956 having its registered Office
At Cauvery Bhavan,
Bengaluru 560 009
Represented by its Managing Director

2. The Executive Engineer (Electrical)
TL & SS Division,
Karnataka Power Transmission Corporation Limited,
Gadag, Karnataka

.. **RESPONDENTS**

[Respondents represented by Indus Law, Advocates]

ORDERS

1) The present Petition is filed under Section 86(1(f) of
Electricity Act, 2003, praying for:

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- (a) An Order or a direction to declare that, the Respondent - Karnataka Power Transmission Corporation Limited (KPTCL) is not entitled to collect the Operation and Maintenance Charges of Rs.9,82,025/- (Rupees Nine Lakh Eighty Two Thousand Twenty Five Only) and one-time non-refundable deposit of Rs.56,74,309/-(Rupees Fifty Six Lakhs Seventy Four Thousand Three Hundred and Nine Only) demanded *vide* Demand Notice dated 25.05.2017;
- (b) Setting aside the Demand Notice dated 25.05.2017; and,
- (c) Passing such other and incidental Orders, including an Order as to costs, to meet the ends of justice and equity.
- 2) The material facts presented by the Petitioner, in support of the reliefs sought, are as follows:
- (a) That the Petitioner owns and operates a 1.8 MW Wind Power Project in Nagavi Village in the Gadag District. The Project was originally allotted in favour of Victory Glass and Industries Limited, the predecessor-in-interest of the Petitioner-Company, and subsequently, transferred in favour of the Petitioner-Company through a Government Authorization Order.
- (b) The Petitioner has stated that, the material, required for construction of a 33 kV line and Bay extension, was sourced by him and has enclosed the bill of quantity dated 27.04.1988 in support of his claims. The pre-commissioning test report of the then KEB, *vide* letter dated 05.07.1999, for having pre-test conducted on the 33 kV break-up and its connected equipment, linked to

the line feeding to Wind farm of the Petitioner-Company, is produced along with the Petition.

- (c) The Petitioner produced the safety approval issued by the Electrical Inspectorate to Government of Karnataka, vide OM dated 02.08.1999, supporting commissioning of the 33 kV line from 110 kV MUSS Gadag to the Petitioner's Project. The Petitioner had requested KPTCL, vide letter dated 03.08.1999, for commissioning of the 33kV Station at Gadag.
- (d) The KPTCL and the SLDC have accorded approval for wheeling and banking, vide letters dated 23.03.1996 and 06.06.2003. The Wheeling & Banking Agreement (W&BA) has been entered into, afresh, on the expiry of the initial W&BA on 27.09.2012 with the KPTCL, HESCOM and BESCOM.
- (e) The Petitioner has stated that, the KPTCL, vide OM dated 27.07.2000, ordered for taking into account the inventory of the material of the independent 33 kV single Circuit line and the Bay at 110 kV MUSS at Gadag Sub-Station constructed by the Petitioner and the subject assets are in the KPTCL accounts.
- (f) On the assets of the Petitioner, accounted in the books of KPTCL, it has been claiming the depreciation charges periodically, by including the same in the Annual Revenue Requirement, for the purpose of meeting the O&M expenses including the petitioners line and Bay.
- (g) In spite of claiming depreciation on the assets created by Petitioners and taken into KPTCL Books of Accounts, the demand for payment of Operation & Maintenance charges and One-Time Non-Refundable Deposit through series of letters dated 11.08.2014, 12.09.2014, 07.10.2014, 02.05.2017, 15.05.2017 and 25.05.2017 is unlawful and

prayed for withdrawal of the demand, vide Petitioner's letter dated 25.05.2017.

- (h) The Petitioner has stated that the issuance of the Demand Notice for the O&M charges is no longer *Res Integra*, as it is decided in OP No.13/2014, vide Order dated 26.02.2015. The KPTCL has not contested the Order of the Commission means, it has accepted the decision in OP No.13/ 2014 and hence, it is no longer *Res Integra*.
 - (i) The Petitioner has also stated that, the Purchase Order placed by the Petitioner, dated 07.04.2017, shows that, the KPTCL is forcing the Petitioner to buy the spares to be replaced, as part of maintenance of the Transmission Line.
 - (j) The petitioner has filed a Memo dated 29.11.2018, producing the recent Demand Notice dated 15.11.2018 (ANNEXURE-P13) towards the O&M charges and stated that the Petitioner has again replied to the Demand Notice, vide letter dated 21.11.2018(ANNEXURE-P14) and the Respondent (KPTCL) has neither replied to this letter nor withdrawn the Demand Notice.
 - (k) Through this Memo, the Petitioner has requested the Commission to direct the Respondent not to precipitate on KPTCL's demand and not to withhold the issuance of the Joint Meter reading in Form-B as per the Respondent's letter 15.11.2018 (ANNEXURE-P13).
- 3) The counsel for the Respondent (KPTCL) has filed the Statement of Objections dated 11.10.2018, the gist of which are:
- (a) That, the Petitioner has sought for an Order or a direction from this Hon'ble Commission, to declare that the respondents are not entitled to collect the Operation and

Maintenance Charges (hereinafter referred to as the 'O&M Charges') and one-time non-refundable deposit demanded, vide impugned Demand Notice dated 25.05.2017, and to set aside the said Demand Notice. The reliefs, sought for by the Petitioner, are without any basis and is frivolous, devoid of merit and not maintainable in law or on facts and ought to be dismissed *in limine*.

- (b) The Respondents had filed a Memo dated 26.06.2018 before this Commission, stating that the present Petition is on the lines of the Petitions in OP Nos. 81/2016, c/w OP No.64/2017, c/w OP No.118/2017 in the above Petitions (hereinafter referred to as the 'JK Cements Order') and the Orders passed by this Commission in *JK Cements* case, dated 24.04.2018 have to be made applicable to the present Petition as well. The applicability of the outcome in the *JK Cements* Order, can be discussed in the later part of this Order.
- (c) The Respondent (KPTCL) has relied upon the Circular dated 17.08.2012, issued by it and the Order passed by this Hon'ble Commission in OP No.13/2014, dated 26.02.2015, wherein the Commission has ordered that:

"The Petitioner (KPTCL) is entitled to collect O&M charges from the IPPs, if the petitioner maintains the dedicated transmission line, subject to such charges as being mutually agreed between the parties and in default, being adjudicated by the Commission. "

- (d) In the *JK Cements* Order dated 24.04.2018, as an interim measure, the Commission has directed the KPTCL to levy the O&M Charges, as per Circular dated 17.08.2012 and all other claims, as per Circular dated 25.03.2017, are set

aside.

- (e) The Respondent (KPTCL) has clarified in the Demand Notice dated 02.05.2017 that, the earlier demand has been modified and restricted the demand of O&M charges to Transmission Line bay only, as the maintenance of line was the responsibility of the Petitioner itself. This modification to the demand was done in line with the Order of this Commission in *JK Cements*.
- (f) The Respondent (KPTCL) has denied the allegation of the Petitioner that, the cost of maintaining the lines is borne by the Petitioner and hence, the Respondent is not entitled to levy the O&M charges, as misleading and erroneous.
- (g) The Respondent (KPTCL) has contended that, in accordance with the *JK Cements* Order, the Respondent is rightly entitled to levy the O&M charges for the maintenance of the terminal line bays, as the terminal bays lie in protected area of the KPTCL and the Petitioner cannot maintain the same. The Respondent (KPTCL) has not claimed, in the revised Demand Notice dated 02.05.2017, the O&M charges in respect of maintaining the Transmission Lines of the Petitioner.
- (h) The Respondent (KPTCL) has contended that, the argument of the Petitioner that the present case is different from the Petitions in OP No.81/2016, c/w OP No.64/2017, c/w OP No.118/2017 and hence, the Order passed by the Hon'ble Commission dated 24.04.2018 are not applicable to the Petitioner, is false and misleading. The Petitioner has not produced anything on record to show the same.
- (i) The Demand Notices for levy of O&M charges, issued

under the amended Circular dated 25.03.2017, were challenged in the above Petitions. The Demand Notice in challenge before this Hon'ble Commission, in the present Petition, is ANNEXURE-P1, i.e., the Notice dated 25.05.2017, which is also a Notice issued under the amended Circular dated 25.03.2017 and hence, the present Petition is also on the same lines as the above Petitions and the said *JK Cements* Order is applicable to the present Petition as well.

- (j) The Petitioner has contended that, the inventory material of the independent 33 kV single circuit line and the bay at 110 kV MUSS Gadag, constructed by M/s. Victory Glass are in the accounts of the Respondent No.1 and it is stated that, this was the procedure then followed by the Respondent. At present, any Line of or below 33 kV is not within the scope and jurisdiction of the Respondent (KPTCL).
- (k) The Petitioner has not denied that, the terminal line bays lying within the premises of the Respondent (KPTCL) are being maintained by the Respondent No.1. It is therefore submitted by the respondent No.1 that, as the terminal line bay is located within the premises of the Sub-Station of the Respondent No.1, it has undertaken to operate and maintain the terminal line bay and hence entitled to levy the O&M charges for the same.
- (l) The grounds urged in the present Petition are all false and frivolous and lacks merit. The Petitioner has falsely interpreted the Order dated 26.02.2015, passed by this Commission in OP No.13/2015 and is guilty of suppression of facts and, therefore, deserves to be dismissed. On 04.07.2019, the Respondents have filed a copy of the Order dated 14.12.2018 of this Commission, in the matter

of collection of the O&M charges by the KPTCL.

- 4) We have perused the records and heard the learned counsel for the Petitioner and the Respondents.
- 5) The following issues would arise, for our consideration:
 - (1) Whether the Petitioner proves that, the Respondents (KPTCL) have been claiming the depreciation, periodically, by including the same in the Annual Revenue Requirement, for the purpose of meeting the O&M expenses, including the Petitioner's dedicated transmission line and terminal line bay?
 - (2) Whether the Petitioner proves that, there is no legal provision or any Order passed by this Commission, authorizing the Respondents (KPTCL) for collection of the O&M charges for the dedicated transmission line bays?
 - (3) What Orders?
- 6) After considering the submissions of the parties and the pleadings on record, our findings on the above are as follows:
- 7) **ISSUE No.(1):** *Whether the Petitioner prove that, the Respondents (KPTCL) have been claiming the depreciation, periodically, by including the same in the Annual Revenue Requirement, for the purpose of meeting the O&M expenses, including the Petitioner's dedicated transmission line and terminal line bay?*
 - (a) We note that, it is a fact that the Petitioner has incurred the capital cost of construction of the 33 kV Line and Bay

Extension, as evidenced from the bill of quantity dated 27.04.1998, produced in support of the Petitioner's claims. It is also a fact that, as per OM No: GDG/EE/AEE(O)/TA-1/TVG/6096-99, dated 27.07.2000, the Executive Engineer (Ele), KPTCL, Gadag, ordered that, after the joint inventory of the Bay and Line material, the assets be taken into the books in the Division Office of the KPTCL, Gadag. The Petitioner has contended that, as the assets of the Petitioner are accounted for in the books of Accounts of KPTCL, it has been claiming the depreciation charges, periodically, by including the same in the Annual Revenue Requirement, for the purpose of meeting the O&M expenses, including the Petitioner's line and Bay. But, it is not a fact that, the KPTCL has been claiming the depreciation on the assets, created out of the capital cost incurred or contributed by the Petitioner.

- (b) It may be noted that, the Accounting Standard-12 (AS-12) of the Accounting Standards, issued by the *Ministry of Corporate Affairs (MCA)*, is applicable to KPTCL/ ESCOMs. *In accordance with Accounting Standard-12 (AS-12), Government Grants and Subsidies received from the Government and Other Authorities towards Capital expenditure as well as consumer's contribution to capital works are treated initially as deferred income and taken to Fixed Assets based on the commissioning of the assets and depreciation is charged in accordance with the class of assets it belongs to. The depreciation claimed on the assets created out of the consumer's contributions have been withdrawn at the end of the concerned Financial Year".*
- (c) We note that, in accordance with Accounting Standard-

12 (AS-12) of the Accounting Standards, the depreciation claimed on the assets, created out of the consumer's contributions, have been withdrawn at the end of the concerned Financial Year, for example, as can be seen from the Tariff Order 2019 [KPTCL Tariff Order, Para 4.3(v), sub-paras (1) and (3), and Para 5.5, sub-para (4), dated 30.05.2019].

Para 4.3(v), sub-para (1) and (3) reads as follows:

"KPTCL in its application has claimed a net amount of Rs.666.29 Crores towards depreciation as against an amount of Rs.735.51 Crores approved in the Tariff Order dated 30th March, 2016. As per the audited accounts, KPTCL has booked an amount of Rs.716.24 Crores, which includes depreciation on assets created out of consumers' contribution/grants and after capitalization of Rs.0.54 Crores for FY18. The KPTCL, in its audited accounts, under other income head of accounts, has booked an amount of Rs.49.95 Crores as depreciation withdrawn on the assets created out of consumer contribution and grant for FY18. Thus, the actual net depreciation is Rs.666.83 Crores which is less by Rs.68.68 Crores as compared to the approved amount."

*"As per the audited accounts for FY18, the depreciation before capitalization is Rs.716.78 Crores. The capitalized amount of depreciation of Rs.0.54 Crores is considered under 'other expenses capitalized' as discussed in the subsequent paragraphs of this Chapter. After excluding the withdrawal of depreciation of Rs.49.95 Crores, towards assets created out of consumer contribution and grants and Rs.0.22 Crores towards depreciation of SLDC assets, **the net depreciation for FY18 works out to Rs.666.60 Crores, which the Commission decides to allow for the FY18.**"*

Para 5.5, sub-para (4) reads as follows:

"In accordance with the Accounting Standards 12 of the Institute of Chartered Accountants, the Commission has deducted the depreciation on account of assets created out of consumer contribution / grants. The depreciation is computed as per the actual data of net fixed assets and depreciation thereon as per the audited accounts for the FY18. Based on this rate of depreciation, the allowable depreciation is computed on the capital assets excluding the assets created out of consumers' contribution / grants as proposed by the KPTCL for FY20-22."

- (d) It is a fact that, initially the depreciation has been claimed on the assets created with the capital contribution of the Government of India / Government of Karnataka or even consumer's contribution. However, as stated above, as per Accounting Standard-12 of the Accounting Standards, issued by the Ministry of Corporate Affairs, Government of India, the depreciation claimed on the assets created out of the consumer's contributions have been withdrawn at the end of the concerned Financial Year, for example, as can be seen from the KPTCL's Audited Accounts for FY 2017-18.
- (d) Further, we note that, for example, the assets created out of Government grants / contributions and self-execution works have been included in the gross Fixed Assets of the Company and at the same time, the contribution towards cost of capital assets has also been indicated under Note 18 - Other Non-Current Liabilities and as made out under Note on account of 18.9 of the Respondents (KPTCL)'s Audited Accounts for the FY 2017-18, which reads as follows:

“As per the Accounting Policy No.1(10)(c), consumer contributions towards cost of capital assets is treated as ‘Deferred Income’ under ‘Contributions and Grants toward Cost of Capital Assets’ and amount proportionate to the depreciation charged on such assets created out of contribution is subsequently adjusted as income and reduced from Contributions and Grants towards Capital Assets.”

Accordingly, the Commission notes that, the depreciation on such assets has been withdrawn as per the audited accounts of the Respondents (KPTCL), for the Financial Year 2017-18, under Note 26- “Other Income”, at Sl.No.14.

- (e) In view of the above Accounting Standards and the accounting procedure followed by the Respondents (KPTCL), the contention of the Petitioner that, the KPTCL has been claiming the depreciation, periodically, by including the same in the Annual Revenue Requirement, for the purpose of meeting the O&M expenses including the Petitioner’s line and Bay, is not true.
- (f) Further, the Commission, in compliance of the Order of the Hon’ble Appellate Tribunal for Electricity (ATE) in Appeal No.108/2010, date 02.01.2013, has issued the Order in Case No.B/06/9 dated 17.10.2013, wherein the depreciation on the assets created out of Government grants and consumer contributions has been deducted from the gross depreciation and followed the same principles in the subsequent Tariff Orders also. The Commission has also taken note of the Hon’ble ATE’s Order dated 17.09.2014 in Appel No.46/2014, in dealing with the deduction of amount of depreciation on the assets created out of consumer contributions / grants, in approval of APR / ARR of the Respondents (KPTCL).

- (g) Further, we note that, in case the generator enters into a PPA with any ESCOM, the O&M charges on such transmission lines and terminal line bays, created at the cost of the Petitioner, has been included in the per unit power purchase cost, approved by the Commission, on the pretext that the responsibility of maintaining such lines and bays rests with the Generator (Petitioner herein). By collecting such O&M cost in the power purchase bill by the Petitioner and now insisting the Respondents (KPTCL) to maintain the Petitioner's lines and bays, at its cost, is not justifiable. The Petitioner has to pay the O&M expenses that have been collected, in the power purchase bills, from the ESCOMs.
- (h) For the above reasons, we answer Issue No.(1), in the negative.
- 8) **ISSUE No.(2)**: *Whether the Petitioner proves that, there is no legal provision or any Order passed by this Commission, authorizing the Respondents (KPTCL) for collection of the O&M charges for the dedicated transmission line bays?*
- (a) In the Commission's Order dated 24.04.2018 in the Petitions, OP Nos.81/2016, c/w OP No.64/2017, c/w OP No.118/2017, collectively called 'JK Cement Order', the Petitioners of those cases have claimed that, the demand made by the KPTCL in the name of O&M charges, for the dedicated transmission lines, constructed by them, from the IPP Station to the respective Sub-Stations of the KPTCL, as illegal. This Commission, in paragraph-3(b) of the said Order dated 24.04.2018, has reproduced the gist of the Order dated 26.02.2015 in OP No.13/2014, as follows:

“(i) The petition is dismissed in so far as it relates to collection of the O&M Charges from the HT/EHT consumers. The petitioner is directed to withdraw the notices issued to HT/EHT consumers and refund the amount so collected from HT/EHT consumers.

“(ii) The petitioner is entitled to collect the O&M charges from the IPPs, if the petitioner maintains the dedicated Transmission Lines, subject to such charges being mutually agreed between the parties and in default, being adjudicated by the Commission.”

(b) This Commission, in its Order dated 24.04.2018 in Petitions, OP Nos. 81/2016, c/w OP No. 64/2017, c/w OP No. 118/2017, has passed the Order, as follows:

“1. a) As an interim measure, the respondent (KPTCL) is permitted to raise bills towards the arrears of O&M Charges, incurred, till now, for maintaining the terminal line Bays located in the sub-station of the respondent KPTCL and to make a demand from the IPP concerned, as per circular dated 17.08.2012, till the Commission takes view on the question of the methodology to be adopted for arriving at the O&M charges payable by the IPPs, in the due proceedings;

b) The rights and liabilities of the parties, pertaining to the payments / receipts of the maintenance charges, shall be subject to the final outcome in the determination of the O&M Charges;

2. The claims now raised by the Respondent (KPTCL), as per its amended circular dated 25.03.2017 are hereby set aside; and

3. The parties shall suggest their proposals and guidelines, within 10 weeks from the date of this order, for ascertaining the maintenance charges to be incurred by

the Respondent KPTCL for maintaining the line terminal bays in its sub stations, for issuing a Discussion paper in this regard."

- (c) In continuation of the Order dated 24.04.2018, as above, this Commission floated a Discussion Paper on 07.08.2018, inviting the comments / views of the stakeholders, as follows:
- (1) Whether IPPs are required to maintain the dedicated transmission line / bays, constructed subsequent to the Electricity Act, 2003?
 - (2) Whether the KPTCL is required to maintain the dedicated transmission line / bays, constructed prior to the Electricity Act, 2003?
 - (3) Whether the KPTCL can furnish the actual expenses incurred / to be incurred, for maintaining the dedicated transmission line / bays, in its sub-stations?
 - (4) If not, what should be the methodology for estimating the expenses incurred / to be incurred for maintaining the said lines / bays?
- (d) So far as the maintenance of the dedicated transmission lines are concerned, this Commission held that, the KPTCL is not obliged to maintain same, constructed either subsequent to the promulgation of the Electricity Act, 2003 or prior to it.
- (e) As Regards the maintenance of the Transmission Line Bay located in the KPTCL Sub-Station, this Commission observed that, the premises of the KPTCL Sub-Station area is a protected area, outsiders are prohibited from entering the said premises and therefore, no employee of the IPP is allowed inside the premises of the KPTCL sub-

station, for safety and security reason. Further, it held that, though the terminal bay is the property of the generator, for the reasons stated as above, the KPTCL is obliged to maintain the line terminal bays.

- (f) The operative portion of the Order dated 14.12.2018, passed by this Commission in the matter of "Collection of Operation and Maintenance (O&M) the O&M Charges, by the KPTCL from the Generators", is as follows:

"(a) KPTCL alone has to operate and maintain Line Terminal Bay of the dedicated transmission line of the generator, located in the KPTCL sub-station. The Operation & Maintenance charges payable by the generators for the line terminal bay shall be at 1.5% of the capital cost of the line terminal bay with an annual escalation of 5.72% of the O & M Charges, for the base year, besides, generators meeting the cost of equipments or spares required for replacement of the failed or defective equipment.

(b) KPTCL shall have the right to recover the O&M charges for the line terminal bay at the rate determined by the Commission in this Order, from 17.08 2012 i.e. the date of KPTCL's Circular claiming the O&M Charges for the line terminal bay. In case the arrears of the O&M Charges towards line terminal bay is not paid within the stipulated time in the demand notices raised by the KPTCL, an application may be filed under section 142 of the Electricity Act 2003 against the defaulting generator.

(c) At the time of establishing line terminal bay, the parties shall enter into an agreement disclosing the capital cost of the line terminal bay and other relevant terms, regarding payment of O&M charges etc.

(d) There is no obligation on the KPTCL for maintaining the dedicated transmission lines of

the generator and it can undertake such maintenance only if there is a consensus between the parties on payment of O&M charges. In case the KPTCL has already carried out the maintenance of the dedicated transmission lines of the generator, and could not recover the maintenance charges, KPTCL has to take appropriate legal recourse to recover the same. It cannot adopt any coercive action not permitted under law, against the generator, for recovery of the arrears of such maintenance charges."

- (g) The learned counsel for the Respondents (KPTCL) has submitted that, the Order dated 14.12.2018, passed by this Commission in the matter of "Collection of Operation and Maintenance (O&M) Charges by the KPTCL from the Generators", authorizes the Respondents (KPTCL) to collect the O&M charges, in respect of the line terminal bays, at 1.5% of the Capital Cost of the line terminal bay, with an annual escalation of 5.72% on the O&M charges, for the base year, besides the generators meeting the cost of equipment or spares required for replacement of the failed or defective equipment. The learned counsel for the Petitioner also submitted that, this Order is binding on the Petitioner. However, he contended that, the Respondents (KPTCL) collects the O&M charges of the line terminal bays in the KPTCL Sub-Stations, by factoring the same in the Tariff Petition filed by it, through the transmission tariff, thereby, the Respondents (KPTCL) are not entitled for the said claim, again, from the IPPs. This submission of the learned counsel for the Petitioner is not well-founded.
- (h) The above-said Order dated 14.12.2018 creates a liability on the IPPs, to pay the O&M charges at a particular rate,

stated therein, for the expenses incurred by the Respondents (KPTCL) towards the maintenance of the line terminal bays, situated in the KPTCL's Sub-Stations. Therefore, we hold that, though the Respondents (KPTCL), at the initial stages, recover the O&M charges, by factoring in the Tariff Application, the liability of the IPPs to pay the O&M charges still subsists and the Respondents (KPTCL) can claim the reimbursement of it. It may be noted that, any such recovery of the O&M expenses of the terminal line bays from the IPPs is also accounted by the Respondents (KPTCL), under the Account Head, "61.922 – Recovery of O&M Expenses of Lines and Bays from IPPs", and it is included while filing the Tariff Application, under the Head, "Miscellaneous Revenue Recovery".

- (i) For the above reasons, we answer Issue No.(2), in the negative.
- 9) **ISSUE No.(3):** *What Order?*

For the foregoing reasons, we pass the following:

ORDER

The Petition is partly allowed, holding that:

- (a) The Respondents (KPTCL) shall raise a fresh demand towards the O&M charges, payable by the Petitioner towards the line terminal bay of the dedicated transmission line of the Petitioner, located at the Respondents (KPTCL)'s Sub-Station, in terms of the Order dated 14.12.2018, passed by this Commission, in the matter of "Collection of

Operation and Maintenance (O&M) Charges by the KPTCL from the Generators"; and,

- (b) The demand already made under the impugned Notice dated 25.05.2017 (ANEXURE-P1), is hereby set aside.

Sd/-

(SHAMBHU DAYAL MEENA)
CHAIRMAN

Sd/-

(H.M. MANJUNATHA)
MEMBER

Sd/-

(M.D. RAVI)
MEMBER