

**Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**R.P. No.1 of 2015 in  
Appeal Nos. 1 & 19 of 2013 &  
R.P. No.12 of 2015 & I.A. No.129 of 2015 in  
Appeal No.1 & 19 of 2013**

**Dated: 13<sup>th</sup> April, 2015**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. Rakesh Nath, Technical Member**

**Review Petition No.1 of 2015 in  
Appeal Nos. 1 & 19 of 2013**

**In the matter of:**

**Kerala State Electricity Board,  
Vyduathi Bhavanam,  
Pattom, Thiruvananthapuram,  
Kerala State-695004**

**.....Review Petitioner**

**Versus**

**Kerala State Electricity Regulatory Commission,  
KPFC Bhavanam, C.V. Raman  
Pillai Road, Vellayambalam,  
Thiruvananthapuram-695010**

**.....Respondent(s)**

Counsel for the Review Petitioner : Mr. M.T. George

Counsel for the Respondent(s): Mr. Atul Shankar  
Mr. Ramesh Babu  
Ms. Swati Setia

**Review Petition No.12 of 2015 & I.A. No.129 of 2015 in  
Appeal No.1 & 19 of 2013**

**In the matter of:**

**Kerala State Electricity Regulatory Commission,  
KPFC Bhavanam, C.V. Raman  
Pillai Road, Vellayambalam,  
Thiruvananthapuram-695010**

**.....Review Petitioner**

**Versus**

**Kerala State Electricity Board,  
Vyduathi Bhavanam,  
Pattom, Thiruvananthapuram,  
Kerala State-695004**

**.....Respondent(s)**

Counsel for the Review Petitioner : Mr. Atul Shankar  
Mr. Ramesh Babu  
Ms. Swati Setia

Counsel for the Respondent(s) : Mr. M.T. George

**ORDER**

**Rakesh Nath, Technical Member**

R.P. No. 1 of 2015 has been filed by Kerala State Electricity Board Limited against the judgment dated 10/11/2014 passed by this Tribunal in Appeal Nos. 1 of 2013 and 19 of 2013. R.P. No. 12 of

2015 has been filed by the Kerala State Electricity Regulatory Commission against the same judgment.

3. The Kerala State Electricity Board (“Board”) has stated that there is an error apparent on the face of the judgment which is required to be rectified. The Tribunal has failed to take into account the massive growth achieved by the Board over the period from 2008-09 to 2012-13. Accordingly, the Tribunal should have allowed the employees cost and Repair & Maintenance expenses (“R&M expenses”) as claimed by the Board. The Tribunal has also failed to appreciate its earlier judgment rendered in Appeal No. 177 of 2009 and in Appeal No.190 of 2010 and No.46 of 2010, wherein the State Commission was directed to specify the regulations providing for norms for various expenses. The Review Petitioner has tried to justify the increase in employees cost and R&M expenses by showing the increase in energy sales and number of consumers from 2008-09 to 2012-13.
4. On the other hand, the State Commission in R.P. No.12 of 2015 has indicated that it has presented Petition not in the capacity of an affected party but with a view to obtain clarification and guidance for implementation of the order of the Tribunal. According to the State Commission, the tariff orders were issued after public hearing after

balancing the interest of the consumer and the licensee. The Commission had appeared in the Appeal not as an affected party, therefore, the Board should have impleaded the affected parties in the Appeal and given notice to them. The directions should have been given by the Tribunal after hearing affected parties, namely the consumer and the licensees other than the Board.

5. We find that the Board in the Review Petition has raised the same issues which were raised in the Appeal and have been elaborately dealt by the Tribunal in the impugned order. We find no error on the face of the record in the impugned judgment. No new facts have been brought before us in the Review Petition. Accordingly, we do not find any merit in the Review Petition filed by the Board.
6. Regarding Review Petition filed by the State Commission, it was confirmed by Mr. M.T. George, Learned Counsel for the Board that public notice was issued by the Board on the directions of this Tribunal in the main Appeal. However, no consumer represented before the Tribunal even after issue of the public notice. In view of this, we do not find any merit in the Petition of the State Commission.

7. In view of the above, both the Review Petitions are dismissed and devoid of any merit.
8. Pronounced in the open court on this 13<sup>th</sup> day of April, 2015.

**(Rakesh Nath)**  
**Technical Member**

**(Justice Ranjana P. Desai)**  
**Chairperson**

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REPORTABLE/~~NON-REPORTABLE~~  
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