

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

**Appeal No.255 of 2012 &
IA No. 118 of 2013**

Dated: 2nd May, 2013

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

In the matter of:

M/s. Indian Oil Corporation Ltd.Appellant (s)
Versus	
Kerala State Electricity Board & Ors.	...Respondent (s)

Counsel for the Appellant (s) : Mr. Shinoj K. Narayanan

Counsel for the Respondent (s): Mr. M.T. George and
Ms. Kavitha K.T. for R-1 to R-3
Mr. Ramesh Babu M.R. (for R-1)

ORDER

The tariff Order, dated 25.07.2012, passed by the State Commission in respect of the FY 2012-13 is being challenged by the Appellant questioning the categorization.

According to the learned counsel for the Appellant, they should be categorized only as industrial but not as commercial as found in the impugned Order.

As correctly pointed out by the learned counsel for the Respondents that the Appellant was not a party to the original proceedings before the State Commission and in fact they have not placed the materials before the State Commission to prove that they should be categorized as industrial before the Commission.

It is also pointed out by the learned counsel for the Respondents that the Appellant was originally categorized as commercial from the year 1999 and the same has been followed in the impugned Order also.

The learned counsel for the Appellant is trying his level best to demonstrate by placing the materials before this Tribunal to establish that the Appellant shall be categorized only as industrial.

In the absence of these pleadings before the State Commission made by the Appellant, we cannot go into this aspect on the basis of the documents being produced now by the learned counsel for the Appellant especially when it is pointed out by the learned counsel for the Respondents that the tariff period FY 2012-13 in respect of this proceeding has already over by 31.03.2013 itself and that the tariff Order for the FY 2013-14 also had been passed.

In view of the above, we are unable to give any findings on the grounds urged in this Appeal.

However, it is open to the Appellant to raise these points before the State Commission for the re-categorization for the tariff determination for the future period.

With the above observations, the Appeal is disposed of.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson