

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

**Appeal No. 31 of 2009 &
IA No. 61 of 2009**

Dated: 31st August, 2009

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. H.L. Bajaj, Technical Member**

Steel Manufacturer Association of Kerala ... Appellant (s)

Versus

Kerala State Electricity Regulatory Commission & Anr. ... Respondent (s)

Counsel for the Appellant/ (s) : Mr. Ashok Panigrahi.

Counsel for the Respondent (s) : Mr. M.T. George for KSEB.
Ms. Bina Madhavan for KSERC.

ORDER

We have heard the Learned Counsel for the parties. On hearing the Learned Counsel for the parties and also on going through the records, we feel that there is no merit in this Appeal.

The main grievance is with regard to the classification. It is pointed out by the Learned Counsel for the Respondent that this classification had already been done by the order of the Government as early as on 11.10.1996 and in pursuance of the said order, the State Electricity Board has also passed an order confirming the classification on 17.12.1996.

Accordingly, on the basis of the classification several tariff orders have been passed by the State Electricity Board and lastly in 2002. Admittedly, these orders have not been challenged either by any Association or by any aggrieved party. Now on the strength of those orders, the tariff order has been passed by the Commission on 26.11.2007. For the first time, this order has been challenged by the Appellant Association without furnishing any material to show that it is prejudiced by this order.

As such we are of the view that the ground raised in this Appeal challenging the impugned Order dated 26.11.2007, does not merit acceptance.

Therefore, we deem it appropriate to dismiss the Application. Accordingly, the same is dismissed. However, there is no order as to the cost.

(H.L. Bajaj)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson