

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

**R.P. No. 12 of 2013 in Appeal nos. 26, 27 & 28 of 2009, Appeal
nos.160, 161 & 162 of 2010, Appeal nos.147, 148 & 149 of 2011 and
Appeal nos.193, 194, 195 & 196 of 2012**

Dated: 25th October, 2013

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

In the matter of:

- 1. Western Electricity Supply Company of Orissa Ltd. (WESCO)Appellant(s)/
Plot no. – N1/22, IRC Village, Nayapalli Petitioner(s)
Bhubaneswar – 751 015**
- 2. Northeastern Electricity Supply Company of Orissa Ltd. (NESCO)
123-A, Mancheswar Industrial Estate
Bhubaneswar**
- 3. Southern Electricity Supply Company of Orissa Ltd. (SOUTHCO)
123-A, Mancheswar Industrial Estate
Bhubaneswar**

Versus

**Orissa Electricity Regulatory CommissionRespondent(s)
& Ors
Niyamak Bhawan, Unit – VIII
Bhubaneswar – 751 102
Distt: Khurda, Orissa**

2006-07 to 2012-13 and in any case, it should not increase.

3. According to the Review Petitioners/Appellants there is an error apparent on the face of record with regard to the finding that the distribution loss level trajectory should not increase.
4. We have heard Shri Buddy A. Ranganadhan, Learned Counsel for the Review Petitioners/Appellants and the Learned Counsel for the State Commission.
5. According to Shri Buddy A. Ranganadhan, Learned Counsel for the Petitioners/Appellants during the course of his submissions and in the written submissions in the main Appeal, the Review Petitioner/Appellant had specifically contended that one of the reasons for the

increase in the distribution losses was the massive rural electrification programme like RGGVY and BGJY etc., which caused addition to subsidised consumers mostly under the BPL category leading to unsustainability of the distribution business and at the same time the Distribution Licensees are affected by huge reduction of industrial load due to recession of economy etc., and that massive addition at lower voltage have added to losses on account of increase in LT/HT ratio.

6. The Review Petitioners/Appellants have now furnished data and material to justify the aforesaid statement and the consequential increase in distribution loss.
7. We find that this Tribunal after examining the submissions of the Appellant has given clear finding that the Tribunal was not convinced by the arguments

of the Appellant regarding increase in the distribution loss. Accordingly, this Tribunal has given directions to the State Commission that the distribution loss trajectory has to be reduced gradually from 2006-07 to 2012-13 and in no case, it should increase. This is a clear finding of the Tribunal after considering the submissions of the Appellant regarding increase in the distribution loss level. This cannot be construed to be an error apparent on the face of record.

8. The Review Petitioners/Appellants by way of submitting fresh data is now rearguing its case for increase in distribution loss in the present Petition which is not permissible under the Review jurisdiction.

9. Therefore, we reject the Review Petition. Accordingly, the same is dismissed. However, there is no order as to costs.

10. Pronounced in the open court on this 25th day of October, 2013.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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REPORTABLE/NON-REPORTABLE
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