

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NO. 37 OF 2019 &
APPEAL NO. 30 OF 2019**

Dated: 1st May, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

Kerala State Electricity Board Limited **Appellant(s)**
Vs.
Central Electricity Regulatory Commission & Ors. **Respondent(s)**

Counsel for the Appellant(s) : Mr. P.V. Dinesh
Mr. Mukund P. Unny

Counsel for the Respondent(s) : Mr. Aashish Anand Bernard
Mr. Paramhans Sahani for R-2

Mr. Sanjay Sen, Sr. Adv
Mr. Hemant Singh
Mr. Nishant Kumar
Mr. Lakshyajit Singh for R-3

ORDER

IA NO. 37 OF 2019

(Appl. for payment of change in law compensation)

Heard learned counsel for the Appellant as well as Respondent No. 3 on directions for payment in respect of change in law. We have gone through the Impugned order. Learned counsel for the Applicant placed communication dated 05.03.2019 intimating submission of additional documents for clarification in terms of directions of Commission in the Impugned Order. Thus, if the documents along with auditor's certificate are furnished by the Applicant way back on 05.03.2019, we fail to understand why Appellant Discom is silent. On the other hand, they are again and again agitating that documents are not completely furnished which seems to be not correct.

We also see at each paragraph after determination of the issues in the Impugned Order, a common direction given to both the parties that at the end of year, reconciliation shall be made on these items. We feel that the so called reconciliation do not refer to claims now made in the application and its general observations. However, if the Appellant has to get any information and clarification, the Respondent No. 3 who is waiting eagerly for payments would be more than ready to furnish such information as stated by Learned Sr. Counsel, Mr. Sen, appearing for the Respondent No. 3.

In that view of the matter, as suggested by the Bench, both the parties through their authorised representatives shall sit and finalise (To reconcile for arriving at the figure for which payments have to be made etc.).

Mr. P.V.Dinesh, learned counsel appearing for the Appellant, submits that Ms. Supriya, Executive Engineer from Discom is the officer who will sit with the representative of Respondent No. 3 and work out the amount that are due with facts and figures.

We place on record as suggested by parties, such meeting shall be held at Trivandrum in the office of the said Executive Engineer of Appellant on 06.05.2019 between 10.30 am and 11 am. The Appellant shall furnish details of (at least admitted amount) which they have to pay in respect of change in law items covered under Impugned Order.

List the matter on IA for further hearing on 13.05.2019.

(S. D. Dubey)
Technical Member
Js/kt

(Justice Manjula Chellur)
Chairperson