

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

**Appeal No. 153 of 2010**

**Dated: 19<sup>th</sup> November, 2012**

**Present : Hon'ble Mr. Justice P.S. Datta, Judicial Member  
Hon'ble Mr. V.J. Talwar, Technical Member**

**In the matter of:**

**Kerala State Electricity Board**

.... **Appellant (s)**

**Versus**

**Kerala State Electricity Regulatory  
Commission.**

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

Counsel for the Appellant (s) : Mr. M.T. George & Mr. G. Sreenivasan.

Counsel for the Respondent (s) : Mr. Ramesh Babu M.R for R-1.

**ORDER**

Learned advocate Mr. M.T. George appearing for the KSEB, the appellant herein, submits that this appeal has practically become infructuous because of an order having been passed by the Commission on 30.10.2012 on the true up petition in respect of the years for which the impugned order in this appeal was passed and the appellant is aggrieved by this true-up order. He submits that an appeal has to be preferred against the true-up order. Mr. Ramesh Babu, , learned advocate for the Commission does not raise any objection. We also feel that in view of Commission's order dated

30.10.2012 this appeal has become infructuous. Accordingly, we allow the prayer made by the appellant. Appellant is at liberty to file a fresh appeal in view of the submissions made by the appellant. Accordingly, the appeal stands dismissed as being withdrawn with liberty to file fresh appeal, if any. No order as to costs.

**(V.J. Talwar)**  
**Technical Member**  
Ss

**(Justice P.S. Datta)**  
**Judicial Member**