



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Registered Office : Vydyuthi Bhavanam, Pattom,

Thiruvananthapuram – 695 004, Kerala

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Abstract

Special Leave Petition (CIVIL) No.5561 of 2022 in the Hon'ble Supreme Court of India filed by the Income Tax Department- Authorisation for signing Vakalatnama - Sanctioned – Orders issued.

CORPORATE OFFICE (FINANCE WING)

B.O. (FTD) No.710/2022/ (FA/AA/ A.Y.2009-10/2022-23) TVPM Dated: 16.08.2022

Ref: - 1. Office Order (CMD) No.1018/2022(FA/AA/A.Y.2009-10/22-23 dated 30.07.2022

2. E-mail dated 03.08.2022 of Adv. Rajakannan Menon and Pai Advocates

3. Note No. FA/AA/A.Y.2009-10/2022-23 dated 05.08.2022 of the Financial Adviser to the Full Time Directors (Agenda 44/8/22)

ORDER

The Income Tax Assessment of the Assessment year 2009-10 was completed by the Assistant Commissioner of Income Tax, Circle-1, Tvpm on 21.12.2011 raising a demand of Rs.68,03,98,870/- as tax under normal provision and it is stated that the entire demand as per the demand notice will not enforced till the disposal of the appeal pending before the Hon'ble Supreme Court for the previous assessment years.

KSEBL filed appeal before the Commissioner of Income Tax (appeals) which was allowed and later ITAT upheld the decision of the CIT(Appeal) and pronounced favourable order for the company. The Income Tax department had filed an appeal before the Hon'ble High Court of Kerala praying that the CIT(A) and the ITAT relied on the verdict of the Jurisdictional High Court in favour of the company for the assessment year 2002-03 to 2005-06. The argument of the Income Tax department is that the decision of CIT(Appeals) and ITAT is not final as the SLP filed by the department is pending before the Hon'ble Supreme Court of India. The Hon'ble High court of Kerala pronounced a favourable verdict for the company citing that the question of law raised in the appeals are covered by the judgement of the Hon'ble High Court of Kerala reported in Kerala State Electricity Board Vs. Deputy Commissioner of Income Tax.

The Assistant Registrar of the Hon'ble Supreme Court of India forwarded the Special Leave Petition No.5561 of 2022 filed by the Income Tax department for the A.Y.2009-10 and in the letter, it was specified that the Petition tagged along with the Civil Appeal No.151/2015 and SLP(Civil) No.870 of 2022, the appeal filed by the department against the order of the Hon'ble High Court of Kerala for previous A.Y.2002-03 to 2005-06 and 2006-07.

The Financial Adviser as per note read (3) above has reported that the matter was taken up with M/s. Menon & Pai, advocates who have pleaded the case before the Hon'ble High

Court of Kerala. M/s Menon & Pai Advocates forwarded the schedule of fee of Adv. Anand Sukumar (AOR) for confirmation to engage Adv. Anand Sukumar. The fee for engagement of the Senior Counsel will be separate.

As per office order read as 1st above sanction was accorded to engage Sri. Anand Sukumaran (AOR) in the Hon'ble Supreme Court of India in the Special Leave Petition (CIVIL) No.5561 of 2022, filed by the Income Tax department against KSEBL for the A.Y.2009-10. As per e-mail read as 2nd above M/s Menon and Pai, Advocates, intimated that the Vakalatnama shall be signed by either an authorised person or Director of the company and notarised by a Notary Public. If the signatory/executant of the Vakalatnama is an authorized person, then the authorisation of the Board in favour of the signatory is required and the authorisation shall be notarised by a Notary Public. The Secretary (Administration) was authorized as per office order read (1) above. The matter was placed before the Full Time Directors as per the note read as 3rd above. Having considered the matter in detail, the Full Time Directors in the meeting held on 12.08.2022 has

Resolved to authorize the Secretary (Administration) to sign the Vakalatnama and connected documents on behalf of Kerala State Electricity Board Ltd. in the Special Leave Petition (CIVIL) No.5561 of 2022 in the Hon'ble Supreme Court of India.

It is also resolved to instruct the Director (Finance) to furnish the details regarding fee and the agency.

(The Board resolution in this regard is appended herewith)

Orders are issued accordingly

By order of the Full Time Directors

Sd/-

Lekha.G

Company Secretary

To

The Financial Adviser, K.S.E. Board Ltd.

Copy to:

The Legal Adviser & Disciplinary Enquiry Officer/Chief Vigilance Officer/The Chief Internal Auditor/ Company Secretary
TA to (Chairman & Managing Director / Director (Distribution IT &SCM) / Director (Transmission & System Operation &Planning) / Director (Generation-Civil) / Director (Generation- Electrical) /Director (REES, Soura, Nilaavu Projects, Sports-welfare)/ PA to Director (Finance &HRM) /Secretary (Administration).
The Deputy Chief Engineer (IT) / Stock File.

Forwarded/By order


Assistant Finance Officer