

(2016) 01 SC CK 0063

In the Supreme Court Of India

Case No : Civil Appeal Nos. 5429-5430 of 2007

Karnataka Power Trans. Corporation Ltd.

APPELLANT

Vs

South Indian Sugar Mills Ass and Others

RESPONDENT

Date of Decision : 21-01-2016

Acts Referred:

Citation : (2016) 3 JT 384 : (2016) 2 Scale 568

Hon'ble Judges : Kurian Joseph and Rohinton Fali Nariman, JJ.

Bench : Division Bench

Advocate : Anand K. Ganesan, K.V. Mohan and Swapna Sheshadri, Advocates, for the Appellant; G. Ramakrishna Prasad, Mohd. Wasay Khan, Suyodhan, Tabrez Malawat, Sharmila Upadhyay, Shamik Sanjanwala, Hemantika Wahi and Vijayanthi Girish, Advocates, for the Respondent

Final Decision : Disposed Of

Judgement

Kurian Joseph, J.—Civil Appeal No. 5430 of 2007

1. It has come out that the plant and machinery owned by the Respondent has already been sold in auction and, therefore, nothing survives in this appeal.
2. Therefore, this appeal is disposed of as having been rendered infructuous, in view of the intervening developments. However, the question of law is kept open.
3. Needless to say, nothing further remains to be done by the Commission in this case. There shall be no order as to costs.

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4. Having extensively heard the learned Counsel for the Appellant, we do not find any perversity in the order passed by the Appellate Tribunal. The Appellate Tribunal has only remanded the matters for consideration by the Karnataka Electricity Regulatory Commission.
5. Though the learned Counsel for the Appellant has taken serious objections as

to the maintainability of the cross objections, we do not think it necessary in this case to go into those aspects since we have already held that the order passed by the Appellate Tribunal does not suffer from any perversity. Therefore, these objections are also rejected.

6. However, we clarify that the scope of remand shall be limited to the co-generators only since they were the only parties before the Appellate Tribunal.

7. The civil appeal is disposed of as above. There shall be no order as to costs.