

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3376 OF 2012

MADHYA PRADESH POWER TRADING  
COMPANY LIMITED

...Appellant(s)

Vs.

NTPC LIMITED & ORS.

...Respondent(s)

O R D E R

1. The appeal is against the decision of the Appellate Tribunal for Electricity (for short, 'Tribunal') dated 26.09.2011 whereby the Tribunal allowed the appeal filed against the decision of the Central Electricity Regulatory Commission dated 11.01.2010.

2. The Tribunal examined the matter in detail and remanded the case to the Central Electricity Regulatory Commission with the following observation:

"19. In view of these details contained in the affidavit filed by the Appellant, we deem it fit to direct the Central Commission to go into details and consider whether a fair estimation of the value of old asset could be made. If a fair estimation is possible, then it is for the Commission to decide about the de-capitalization of the said value. We make it clear that we do not express any opinion on this. It is for the Central Commission to decide about the course of action to be taken on the basis of the details given in the affidavit filed on behalf of Appellant."

3. Having interpreted the relevant clauses and having the conclusion that further calculations are to be made on the basis of such interpretation, the Tribunal remanded the matter to the Commission.

4. We see no reason to interfere with the said decision of the Tribunal, the appeal is, therefore, dismissed.

5. Pending application(s), if any, stand disposed of.

6. Parties shall bear their own costs.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
JANUARY 10, 2024

ITEM NO.106

COURT NO.16

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3376/2012

M.P. POWER TRADING COMPANY LTD.

Appellant(s)

VERSUS

NATIONAL THERMAL POWER CORPN.LTD . & ORS.

Respondent(s)

Date : 10-01-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Manoj Kumar Sharma, Adv.  
Mr. Suraj Singh, Adv.

For Respondent(s) Ms. Sakie Jakharia, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the Signed Order.

Pending application(s), if any, stand disposed of.

Parties shall bear their own costs.

(KAPIL TANDON)  
COURT MASTER (SH)

(NIDHI WASON)  
COURT MASTER (NSH)

(Signed Order is placed on the file.)