

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. (S). 4421 OF 2004

KARNATAKA POWER CORPORATION LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

O R D E R

After arguing the matter at considerable length, learned counsel for the appellant-Corporation seeks leave to withdraw this appeal reserving liberty for the appellant-Corporation to seek redress under Section 16 of the Railway Claims Tribunal Act, 1987 before the Railway Claims Tribunal.

This appeal is accordingly dismissed as withdrawn.

The appellant-Corporation shall, subject to all just exceptions including limitation, be free to seek redress before the Tribunal, in accordance with law. We make it clear that we express no opinion about the maintainability of any such claim petition or the defences that may be open to the Railways if the same is eventually filed. We make it further clear that in case the claim petition is eventually filed before the Tribunal, the Tribunal shall, while deciding the case in accordance with law, remain uninfluenced by any observation made on the merits of the case or any finding recorded by the High Court in the impugned judgment.

No costs.

.....J  
(T.S. THAKUR)

.....J  
(R. BANUMATHI)

NEW DELHI  
DATED 27<sup>th</sup> AUGUST, 2014

ITEM NO.108

COURT NO.3

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4421/2004

KARNATAKA POWER CORPORATION LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(with office report)

Date : 27/08/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Ajit S. Bhasme,Adv.  
Mr. Pankaj Mishra,Adv.

For Respondent(s) Mr. P.C. Agrawal,Sr.Adv.  
Ms. Vimala Sinha,Adv.  
Ms. Shubhra Rai,Adv.  
Mr. D. S. Mahra,Adv.

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

In terms of the signed order the appeal is dismissed as  
withdrawn with the liberty prayed for.

(Mahabir Singh)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)