

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This appeal is accordingly dismissed as withdrawn.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 ca

se

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 27th AUGUST, 2014

Signature Not Verified

Digitally signed by

Mahabir Singh

Date: 2014.08.28

11:06:34 IST

Reason:

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
RECORD OF PROCEEDINGS

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withdrawn with the liberty prayed for.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)