

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.3959 OF 2013

U.P. POWER CORPORATION LTD.

APPELLANT

VERSUS

M/S BASTI SUGAR MILLS CO. LTD. & ANR.

RESPONDENTS

R1 : M/S BASTI SUGAR MILLS CO. LTD.

R2 : U.P. ELECTRICITY REGULATORY COMMISSION

O R D E R

Heard learned counsel for the parties.

2. In view of the fact that the order impugned has already been implemented and consequential benefits have already been given to the respondents in the year 2009 itself, we are not inclined to go into the merits of the matter academically. Thus, without interfering in the order impugned, we leave the question of law open.

3. At this stage, learned counsel for the appellant submits that they have not yet paid the cost of Rs.3,00,000/- (Rupees Three Lakhs) imposed by the High Court and prayed to waive the same.

4. Learned counsel for the respondents submits that as per impugned order, out of total cost of Rs.3,00,000/- (Rupees Three Lakhs), Rs.2,00,000/- (Rupees Two Lakhs) was to be paid to respondent no.1 and remaining Rs.1,00,000/- (Rupees One Lakh) to respondent no.2. However, it was submitted that they are not interested to pursue the same. Such stand is recorded. Further, despite service on respondent no.2, nobody is present when the matter is taken up.

5. Having considered the matter in its totality and in view of the discussions made hereinabove, we are persuaded to interfere with regard to imposition of cost. Thus, the cost imposed of Rs.3,00,000/- (Rupees Three Lakhs) under the impugned order against the appellant stands set aside.

6. Accordingly, the Civil Appeal stands disposed of.

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

.....J.  
[AHSANUDDIN AMANULLAH]

.....J.  
[PRASHANT KUMAR MISHRA]

ITEM NO.104

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).3959/2013

U.P. POWER CORP. LTD.

Appellant(s)

VERSUS

BASTI SUGAR MILLS CO. LTD. &amp; ANR.

Respondent(s)

Date : 20-03-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

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

For Respondent(s) Ms. Ruby Singh Ahuja, Adv.  
Mr. Alok Aggarwal, Adv.  
Ms. Simran Jeet, Adv.  
Ms. Megha Dugar, Adv.  
Mr. Tribhuvan Narain Singh, Adv.  
For M/S. Karanjawala & Co., AOR

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

The Civil Appeal stands disposed of in terms of the signed order.

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

(SAPNA BISHT)  
COURT MASTER (SH)

(ANJALI PANWAR)  
COURT MASTER (NSH)

(Signed order is placed on the file)