

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). 3101 OF 2006

TATA POWER CO. LTD. Appellant (s)
VERSUS
RELIANCE ENERGY LTD. & ORS. Respondent(s)
(With appln(s) for stay and office report)

Date: 12/08/2010 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Appellant(s) Mr. Gopal Jain,Adv.
Mr. Srikant D.Adv.
Mr. Parag K.Adv.
Ms. Ruby Singh Ahuja,Adv.
Ms. Ruchina Gupta,Adv.
Mr. R.N. Karanjawala,Adv.
Mr. Jatin M.Adv.
Mrs Manik Karanjawala,Adv.

For Respondent(s) Mr. Mukul Rohatagi,Sr.Adv.
Mr. Saurabh Kirpal,Adv.
Mr. Hasan Murtaza,Adv.
Ms. Jyoti Taneja,Adv.
Ms. Diksha Rai,Adv.
Mr. Karan Bhariobe,Adv.

Mr. Sanjay Kharde,Adv.
Mr. Shankar Chillarge,Adv.
Mr. Asha G.Nair,Adv.
Mr. Rajesh Kumar,Adv.
Mr. Ravindra Keshavrao Adsure ,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard Mr. Gopal Jain, learned counsel for the appellant and Mr. Mukul Rohatagi, learned senior counsel for the 1st respondent - Reliance Energy Ltd.

The civil appeal is disposed of in terms of the signed order.

[Madhu Bala] [Savita Sainani]
Sr.PA Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3101 OF 2006

TATA POWER CO. LTD.APPELLANT

VERSUS

RELIANCE ENERGY LTD. & ORS. ...RESPONDENTS

O R D E R

Aggrieved by the order dated 22nd May, 2006 of the Appellate Tribunal for Electricity, New Delhi the TATA Power Company Ltd. has filed the above appeal.

Heard Mr. Gopal Jain, learned counsel for the appellant and Mr. Mukul Rohatagi, learned senior counsel for the 1st respondent - Reliance Energy Ltd.

After hearing both side at considerable length of time, it is brought to our notice that the rebate given by the first respondent - Reliance Energy (previously known as BSES) relates to the period from October 1999 to May, 2004, amounting to Rs. 350 crores. At the relevant time the Indian Electricity Act 1910 (Act 9 of 1910) and the Electricity (Supply) Act 1948 (Act 54 of 1948) were in force. It is also brought to our notice that after May, 2004 the 1st respondent -Reliance has not allowed rebate to any of its consumers.

Mr. Mukul Rohatagi, learned senior counsel appearing for the Reliance has made a categorical statement that the respondent - Reliance has not recovered the rebate from any of their consumers and assured that the said amount will not be recovered from any consumer in future also. The above statement is recorded.

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In view of these factual aspects and the statement of the learned senior counsel for Reliance, we feel that there is no need to conduct full-fledged adjudication.

We leave open all the legal issues. Considering the peculiar facts and circumstances, we clarify that the impugned decision of the Appellate Tribunal shall not be cited as a precedent for any other case and the same is confined to these contesting parties.

The civil appeal is disposed of on the above terms.

.....J.
[P. SATHASIVAM]

NEW DELHI
12TH AUGUST, 2010

.....J.
[DR. B.S. CHAUHAN]