

ITEM NO.1501
(For Judgment)

COURT NO.4

SECTION IV-A

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

Petition(s) for Special Leave to Appeal (C) No.18607/2004

(Arising out of impugned final judgment and order dated 08-04-2004 in MFA No. 4795/2002 passed by the High Court of Karnataka at Bengaluru)

KARNATAKA POWER TRANSMISSION CORPORATION LIMITED PETITIONER(S)

VERSUS

JSW ENERGY LIMITED
(EARLIER KNOWN AS JINDAL
THERMAL POWER COMPANY
LIMITED & JINDAL TRACTABEL
POWER COMPANY LIMITED) & ORS.

RESPONDENT(S)

WITH

SLP(C) No. 23793/2004 (IV-A)
(FOR ON IA 2/2006)

Date : 22-11-2022 These matters were called for pronouncement of Judgment today.

For Parties

Mr. S. S. Naganand, Sr. Adv.
Mr. Raghavendra S. Srivatsa, AOR
Mr. Venkita Subramoniam T.R., Adv.
Mr. Pai Amit, Adv.
Mr. Likhi Chand Bonsle, Adv.
Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.
Mr. Rahat Bansal, Adv.
Mr. V. N. Raghupathy, AOR
Mr. Mahendra Pal Gupta, Adv.
Mr. Dhanesh Ieshdhan, Adv.

Mr. Dhiraj Abraham Philip, Adv.
Mr. Rahul Prasanna Dave, AOR

Mr. L. Vishwanathan, Adv.
Mr. Ramanuj Kumar, Adv.
Mr. Sumit Attri, Adv.
For M/S. Cyril Amarchand Mangaldas, AOR

Hon'ble Mr. Justice K. M. Joseph pronounced the Reportable

Judgment for the Bench comprising His Lordship, Hon'ble Mr. Justice Aniruddha Bose and Hon'ble Mr. Justice Hrishikesh Roy.

Leave granted.

The Bench, *inter alia*, held as follows:-

"118. The appeal filed by Karnataka Power Transmission Corporation Limited is partly allowed and the impugned Judgment shall stand set aside. We find that there was no contract concluded within the meaning of Section 27(2) of the Act. We remand the case back to the High Court for reconsidering the points '3' and '4' formulated by the High Court. The first respondent shall pay to the appellant a sum of Rs.50 crores (fifty crores) within eight weeks. As regards further liability to pay, it will await and depend upon the decision of the High Court. So also, the payment of Rs.50 crores (fifty crores) by the first respondent, under this Judgment, will be subject to the determination to be made by the High Court.

119. The appeal filed by Karnataka Electricity Regulatory Commission will stand allowed to the extent that the remarks made against it in the impugned judgment shall stand set aside as indicated hereinbefore. Parties will bear their respective costs."

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

(JAGDISH KUMAR)
COURT MASTER (SH)

(Common signed Reportable Judgment is placed on the file)

(RENU KAPOOR)
ASSISTANT REGISTRAR