

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NO.5 IN CIVIL APPEAL NO.6507 OF 2010

BANGALORE ELECTRICITY SUPPLY CO.LTD.

Appellant (s)

VERSUS

M/S ENERCON WIND FARMS LTD.& ANR.

Respondent(s)

(For further hearing and office report)

Date: 22/07/2011 This Matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s)

Mr. Raghavendra S.Srivatsa,Adv.
Mr. Venkat Subramoniam, T.R.,Adv.

For Applicant/
Respondent(s)

Mr. Shyam Diwan,Sr.Adv.
Ms. Rajni Ohri Lal,Adv.
Mr. Himinder Lal,Adv.

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

The refund amount of Rs.82.85 lacs is computed by the State Electricity Regulatory Commission. In the circumstances, we direct the Bangalore Electricity Supply Company Limited, the appellant herein, to deposit the disputed amount of Rs.82.85 lacs in the Registry within six weeks. On deposit of the said amount, the applicant herein

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M/s. Enercon Wind Farms (Karnataka) Limited, would be entitled to withdraw the said amount on furnishing Bank Guarantee of a Nationalised Bank in the sum of Rs.82.85 lacs. Further, the Director of the applicant-Company will give an undertaking to this Court within four weeks from today backed by the Resolution of the Company that, in the event of this Court allowing the appeal in favour of Bangalore Electricity Supply Company Limited, the Company will pay interest at the rate that may be fixed by this Court at the time of final disposal of the appeal together with the principal amount of Rs.82.85 lacs, if withdrawn.

The Interlocutory Application is disposed of.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar