

SUPREME COURT OF INDIA

S.Karnataka Power Trans.Corp.Ltd.

Vs.

South Indian Sugar Mills Ass &Ors.

C.A.No.5429-5430 of 2007

(Kurian Joseph and R.F.Nariman,JJ.)

21.01.2016

JUDGMENT

Kurian Joseph, J.

1. It has come out that the plant and machinery owned by the respondent has already been sold in auction and, therefore, nothing survives in this appeal.
2. Therefore, this appeal is disposed of as having been rendered infructuous, in view of the intervening developments. However, the question of law is kept open.
3. Needless to say, nothing further remains to be done by the Commission in this case. There shall be no order as to costs.
4. Having extensively heard the learned counsel for the appellant, we do not find any perversity in the order passed by the Appellate Tribunal. The Appellate Tribunal has only remanded the matters for consideration by the Karnataka Electricity Regulatory Commission.
5. Though the learned counsel for the appellant has taken serious objections as to the maintainability of the cross objections, we do not think it necessary in this case to go into those aspects since we have already held that the order passed by the Appellate Tribunal does not suffer from any perversity. Therefore, these objections are also rejected.
6. However, we clarify that the scope of remand shall be limited to the co-generators only since they were the only parties before the Appellate Tribunal.
7. The civil appeal is disposed of as above. There shall be no order as to costs.