

**In the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Application (DFR) NO.1012 OF 2016

IN

I.A. (DFR) NO.395 OF 2014

Dated: 04th May, 2016

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:-

Arpee Electrical Supply Co. Ltd.
Represented by Mr. R.P. Gupta,
Managing Director.

.....Applicant

Versus

Bangalore Electricity Supply Company Ltd.,&Anr.Respondent (s)

Counsel for the Applicant (s) : Mr. R.P. Gupta, Managing Director

Counsel for the Respondent(s) : -

ORDER

Misc. Application under DFR No.1012 of 2016 dated 3.2.2016/21.3.2016 was received by the Registry by post on 28.3.2016 from Mr. R.P. Gupta, Managing Director of Arpee Electrical Pvt. Ltd. praying for early hearing of his application dated 3.2.2014. It appears from the record that an application under DFR No.395 of 2014 dated 1.2.2014 was received by the Registry under cover of a letter dated 3.2.2014. By the said application, the applicant has sought to quash orders passed by this

Tribunal in Appeal No.47 of 2007 and Review Petition No.28 of 2007. Since the Applicant has been addressing various applications to the Registry on the same subject, the Registry has placed this matter before us.

We have heard Mr. R.P. Gupta, Managing Director of the Applicant, Arpee Electrical Pvt. Ltd. We have also carefully perused the instant application and also judgments tendered by Mr. Gupta along with the application.

The Registry has made two orders of this Tribunal available to us. The first order dated 16.5.2007 passed in Appeal No.47 of 2007 in Bangalore Electricity Supply Co. Ltd., V. M/s. Arpee Electricals Pvt. Ltd., & Anr. indicates that Karnataka Electricity Regulatory Commission (“**the State Commission**”) had directed the Appellant Bangalore Supply Co. Ltd., to pay to M/s. Arpee Electricals Private Ltd. represented by Mr. R.P. Gupta the security deposit of Rs.1,20,000/- Rs.45,292/- and Rs.13,000/- after deducting 10 per cent of the deposits along with the interest at the rate of 6 per cent per annum. A statement was made on behalf of the Appellant Bangalore Electricity Supply Co. Ltd., that the Appellant had already made a deposit of Rs.1,78,292/- in the Karnataka High Court. It is stated in the order that Mr. R.P. Gupta, Managing Director, Arpee Electricals Pvt. Ltd., made a statement that he does not press his claim for interest on its deposits till this date except for whatever may have accrued on the deposit lying with the Karnataka High Court. This Tribunal observed that instructions from the Appellant to M/s. Arpee Electricals Private Ltd. did not indicate that the deposit was to bear any interest.

In view of this, this Tribunal allowed M/s. Arpee Electricals Private Ltd. to withdraw the amount deposited with Karnataka High Court and accept the amount in full and final settlement of its claim in respect of the said deposits. Being aggrieved by this order M/s. Arpee Electricals Private Ltd., preferred a review petition. By order dated 11.10.2007 the review petition being Review Petition No.28 of 2007 was dismissed by this Tribunal holding that there was no error apparent in the order dated 16.5.2007 passed by this Tribunal. Today it is admitted by Mr. R.P. Gupta, Managing Director of the Applicant that he had filed a Special Leave Petition in the Supreme Court being aggrieved by the order dated 11.10.2007 passed by this Tribunal in review petition. The said Special Leave Petition has been dismissed by the Supreme Court. In view of the fact that the Supreme Court has dismissed the Special Leave Petition and this Tribunal has allowed the Applicant to withdraw the amount deposited with Karnataka High Court in full and final settlement of its claim in respect of the aforementioned deposits, it is not possible for us to reopen the entire issue. These applications are, therefore, not maintainable and dismissed as such.

Pronounced in the Open Court on this 4th day of May, 2016.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson