

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)
Appeal No. 94 of 2013**

Dated : 20th May, 2013

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

In the matter of:

**VRL Logistics Ltd.Appellant(s)
Versus**

Hubli Electricity Supply Co. Ltd. & Anr. ...Respondent (s)

**Counsel for the Appellant (s): Mr. Ranvir Singh
Ms. Shruti Singh
Mr. Kaynat Seikh**

ORDER

This is an Appeal filed against the Order passed by the Karnataka Commission dated 29.04.2010.

The Appellant had filed a Petition before the Karnataka Commission in O.P. No. 11 of 2009, claiming the amount towards the interest from the Respondent. But, on the basis of the Memo filed by the Respondent stating that the entire amount claimed in the Petition had been paid, the Karnataka Commission passed this impugned Order dated 29.04.2010 observing that since the Memo filed by the Respondent showed that the entire amount claimed by the Petitioner was paid, no issue survived and the case was disposed of accordingly.

As against the said Order, the Applicant/Appellant had preferred an Appeal before the High Court and the High Court dismissed the same stating that the remedy was to file Appeal before this Tribunal. Even then, the Appellant, instead of filing the Appeal, filed the Review before the High Court. The said petition also was dismissed. Thereafter, he filed an Appeal along with an Application to condone the delay before this Tribunal. The application to condone the delay is allowed. The Appeal was heard for admission.

The learned counsel for the Applicant/Appellant submits that the impugned Order is apparently wrong since the Memo, which had been filed before the Commission, did not show that the interest amount, which has been claimed in the Petition, had been paid.

A perusal of the impugned Order dated 29.04.2010 would show that both the counsel were present and in their presence only this Order was passed. If the Applicant/Appellant felt that the Memo did not contain the correct particulars, the remedy before the Appellant is to file a Review against the said Order before the Commission itself, immediately thereafter. Without doing so, this Appeal had been filed firstly before the High Court and then before this Tribunal.

The impugned Order is passed with the consent of both the parties. Therefore, we do not find any ground to admit this Appeal as the remedy for the Applicant is not before the Tribunal but it lies elsewhere.

With the above observation, the Appeal is dismissed.

(Rakesh Nath)
Technical Member
ts/sm

(Justice M. Karpaga Vinayagam)
Chairperson