

**Before the Appellate Tribunal for Electricity  
Appellate Jurisdiction**

**Appeal No. 2 of 2006 and IA No. 42/05**

**Present : Hon'ble Mr. Justice E. Padmanabhan, Judicial Member  
Hon'ble Mr. H.L. Bajaj, Technical Member**

Karnataka Power Transmission Corpn. Ltd. ... Appellant

Versus

R. K. Powergen Pvt. Ltd.  
Karnataka Electricity Regulatory Commission ... Respondents

Counsel for the Appellant : Mr. M. G. Ramachandran, Advocate and  
Ms. Saumya Sharma, Advocate

Counsel for the Respondents : Mr. Udaya Holla, Sr. Advocate and  
Mr. N. L. Ganapathi, Advocate

Dated : 15<sup>th</sup> February, 2006

**JUDGMENT**

We passed the following order on 15<sup>th</sup> February, 2006 after hearing the counsel appearing on either side :

“Mr. M. G. Ramachandran, Learned Counsel appearing for the Appellant and Mr. Uday Holla, Sr. Advocate appearing for contesting Respondent, submitted detailed arguments. However, at the end both the learned counsel represented that the Karnataka Electricity Regulatory Commission, before which authority, following the directions issued by the Division Bench of the High Court of Judicature of Karnataka in Writ Appeal No. 3961/05 and Writ Petition No. 45077/03 the appeal preferred by the Respondent is pending, may be directed to dispose of the appeal immediately.

Since the counsel appearing on either side made identical requests, we dispose of the present appeal with a direction that the Karnataka Electricity Regulatory Commission, which is seized of the case No. OP 09/06 and which has also granted stay of termination order of KPTCL dated 05.07.2003, is directed to take up the said case by giving priority, dispose of the same on merits and according to law and at any rate within 4 weeks from the date of communication of this order, provided both sides are ready to argue the matter without seeking adjournment.

For any reason, if the Karnataka Electricity Regulatory Commission, Bangalore is unable to dispose of the Case No. OP 09/06 within 4 weeks, it is well open to the Respondent herein to move appropriate applications seeking for such interim directions as it deems fit with respect to which application the commission shall decide on merit.

We make it clear that we are not expressing any opinion with respect to the contentions urged by the both sides in this appeal.”

The above is our judgment in this appeal and the same shall be followed by the parties as per directions set out above. The above appeal is ordered in the above terms and IA No. 42 of 2005 shall stand dismissed.

**( Mr. H.L. Bajaj )**  
**Technical Member**

**( Mr. Justice E. Padmanabhan )**  
**Judicial Member**