

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION
BANGALORE**

Dated : 22nd December, 2011

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|-------------------------------|----------|
| 1. Sri M.R. Sreenivasa Murthy | Chairman |
| 2. Sri Vishvanath Hiremath | Member |
| 3. Sri K. Srinivasa Rao | Member |

Case No. OP 21/2010

Between

1. VBC FERRO ALLOYS LIMITED

Registered Office
3rd Floor, Progressive Towers
No.6-2-913/914, , Khairathabad
HYDERABAD – 500 004
Represented by its Legal Advisor,
Shri Amardeep Jaiswal

2. PROGRESSIVE CONSTRUCTIONS LIMITED

Registered Office
7th Floor, Raghava North Block
Raghava Ratna Towers
Chirag Ali Lane
HYDERABAD – 560 001
Represented by its Legal Advisor,
Shri Amardeep Jaiswal

3. KONASEEMA GAS POWER LIMITED

2nd Floor, Progressive Towers
No.6-2-913/914, Khairathabad
HYDERABAD – 500 004
Represented by its Vice President
(Legal and Corporate Affairs)
Shri Amardeep Jaiswal
[Represented by M/s. Shridhar Prabhu Associates,
Advocates]

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Petitioners

And

1. **Power Company of Karnataka Ltd.**
(Formerly known as State Power Procurement
Co-ordinastion Centre)
A Government of Karnataka Undertaking
Registered Office
KPTCL Building, Kaveri Bhavan
BENGALURU – 560 009
Represented by its Managing Director
2. **Bangalore Electricity Supply Company Ltd.**
Registered Office
K.R. Circle, Dr. Ambedkar Veedhi
BENGALURU – 560 001
Represented by its Managing Director
3. **Gulbarga Electricity Supply Company :Ltd.**
Registered Office
Station Road
GULBARGA – 585 102
Represented by its Managing Director
4. **Hubli Electricity Supply Company Ltd.**
Registered Office
Navanagar, P.B. Road
Hubli – 580 029
Represented by its Managing Director
5. **Mangalore Electricity Supply Company Ltd,**
Registered Office
Paradlgn Plaza
ABH Shetty Circle
Mangalore – 575 001
Represented by its Managing Director
6. **Chamundeshwari Electricity Supply
Corporation Ltd.**
Registered Office
No.927, L. J. Avenue
New Kantharaj Urs Road
Mysore – 570 009
Represented by its Managing Director
[Represented by M/s. Just Law, Advocates]

.. **Respondents**

- 1.0 In this Petition, the Petitioners have sought a declaration that the requirement of supply of power of 80 MW from Phase-I of the 3rd Petitioner's Project is *ultra vires* of the bid document and impossible to perform due to valid statutory and other regulatory restraints and other reliefs.
- 2.0 Both the parties have put in appearance and have filed their respective pleadings.
- 2.0 When the matter was ripe for hearing, the Petitioners have filed a Memo dated 24.11.2011 to withdraw the Petition without prejudice to their rights and contentions therein and with the liberty to institute appropriate proceedings for the same cause of action. The Counsel for the Respondents stoutly opposed the withdrawal of the Petition on conditions.
- 4.0 We have heard the Counsels for both the parties.
- 5.0 Though the right of the Petitioners to withdraw the Petition cannot be fettered either by this Commission or by the Respondents, but the said right cannot be exercised subject to conditions, as stated in the Memo.

6.0 According to us, the Respondents' Counsel is right in contending that the Petitioners may withdraw the Petition, but not with conditions stated in the Memo, such as reserving right to approach on the same cause of action.

7.0 Therefore, we allow the Petitioners to withdraw this Petition simplicitor and dismiss the Petition as withdrawn.

Sd/-
(M.R. SREENIVASA MURTHY)
CHAIRMAN

Sd/-
(VISHVANATH HIREMATH)
MEMBER

Sd/-
(K. SRINIVASA RAO)
MEMBER