

COURT-I

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

**IA NO. 471 OF 2016 IN
DFR NO. 2368 OF 2016**

Dated: 23rd August, 2016

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

In the matter of:-

Global Energy Pvt. Ltd.

...Appellant(s)

Vs.

Karnataka Electricity Regulatory Commission & Ors.

...Respondent(s)

Counsel for the Appellant(s)

: Mr. Soli Sorabjee, Sr. Adv.
Mr. Anil Kaushik
Ms. Tanmaya Mehta
Mr. Rajender Singh
Mr. Abhishek

Counsel for the Respondent(s)

: Mr. Manu Seshadri for R.1

Ms. Swapna Seshadri for R-2

Mr. D.L. Chindananada for R-3

ORDER

This Application is moved in a disposed of Appeal being DFR No. 2368 of 2016. The appeal was disposed of on 17.08.2016. On that day, Mr. Mohan Parasaran, learned senior counsel for Respondent No.3 made a statement that till 31.08.2016 no vested rights will be created in favour of the third parties. The said statement was recorded and accepted by this Tribunal. Thereafter, it appears that on 19.08.2016 tender/request for proposal was issued by Respondent No.3. In the circumstances, this Application is moved praying *inter alia* for a direction to the respondents not to take any action in terms of tender/request for proposal.

We have heard learned counsel for the parties.

Learned counsel for Respondent No.3 states that issuance of tender/request for proposal does not create any vested right in favour of any party, hence, there is no breach of the statement made on 17.08.2016. In any case he states that without prejudice to the rights and contentions of Respondent Nos. 2 & 3, Respondent No.3 will not finalise the tender process or issue letter of intent up to 31.08.2016 and four days thereafter. We record and accept this statement.

Mr. Soli Sorabjee, learned senior counsel for the appellant states that without prejudice to the rights and contentions of the appellant, the appellant proposes to participate in the bid process. We record and accept the statement. The appellant may participate in the bid process without prejudice to its rights and contentions.

With the above observations, the Application is disposed of.

(I.J. Kapoor)
Technical Member
ts/dk

(Justice Ranjana P. Desai)
Chairperson