

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (C) No. 1595 of 2018

Jindal Steel & Power Limited **Versus** C.G. State Electricity Regulatory Commission & others.

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| 25/06/2018 | <p>Mr. Arun Verma, Senior Advocate assisted by Mr. Ashish Shrivastava, Mr. Rajesh Garg, Mr. Animesh Verma and Ms. Megha Shrivastava, Advocate for the petitioner.</p> <p>Mr. Malay Kumar Bhaduri, counsel for respondent No.1.</p> <p>Mr. Rajendra Tiwari, Senior Advocate assisted by Mr. Anshu Mahajan and Mr. Ankit Singhal, counsel for respondents No. 2 to 6.</p> <p>Mr. Vishrav Mukharjee, Mr. K.R. Nair and Ms. Veena Nair, counsel for respondent No. 7.</p> <p>Mr. Gary Mukhopadhyaya, Dy. Govt. Advocate for respondent No. 8/ State.</p> <p>Heard on admission.</p> <p>The petition, being arguable, is admitted for hearing.</p> <p>Issue notice to the respondents.</p> <p>All the respective counsel appearing on behalf of respondents, on advance copy, accept notice on behalf of the respective respondents. Let extra set of writ petition along with annexures be supplied to them individually within three days. They pray for and are granted three weeks' time to file reply.</p> <p>Also heard on I.A. No.1, application for grant of ad-interim relief.</p> |

Learned Senior Counsel appearing on behalf of petitioner-Jindal Steel & Power Ltd. would submit that overreaching the order of this Court passed in WPC Nos. 921/2016, 940/2016 and 1002/2016, an order has been passed by the Chhattisgarh State Electricity Regulatory Commission (henceforth "Commission") on 30.05.2018 directing the petitioner to ensure uninterrupted continuous power supply to the consumers of Jindal Industrial Park as per order dated 23.12.2014, which is contrary to the order passed by this Court in the aforesaid writ petitions, in which, this Court has stayed the order dated 31.03.2016 and directed that the petitioner therein to pay the electricity charges @ 4.20 per unit. He would further submit that order passed by the Commission on 30.05.2018 has been questioned in this writ petition filed before this Court on 5.6.2018, in which parties have been served with advance copy as recorded by this Court on 06.06.2018 and all the parties are represented through their respective counsel. Meanwhile, Commission has passed an order dated 19th June, 2018 reviewing and omitting certain portion of order dated 30.5.2018, which amounts to overreaching the order passed by this Court and no notice was issued to the parties before reviewing the order dated 30.05.2018. He further submits that petitioner Company is ready and willing to supply electricity @ Rs. 4.20 per unit as per order passed in aforesaid three writ petitions.

Per contra, counsel for the respondent No. 7 would submit that instant writ petition as framed and filed is not maintainable as the remedy of appeal under Section 111 of the Electric Act, 2003 lies with the petitioner for redressal of his grievance.

I have heard learned counsel appearing for the parties.

The effect & operation of the order dated 31.05.2018 (Annexure P-1) shall remain stayed until further order subject to petitioner's supplying electricity @ Rs.4.20 per unit to the respondents No. 2 to 7 / other consumers as stated in the order dated 13.04.2016 & 22.04.2016 passed in W.P. (C) No. 921/2016, W.P. (C) No.940 of 2016 & W.P. (C) No. 1002/2016 and as submitted by learned counsel for the petitioner.

As agreed by the parties, list this case on **24th July, 2018**

Meanwhile, Secretary, Chhattisgarh State Electricity Regulatory Commission will send the record of Petition No. 04 of 2017 {**M/s Raigarh Ispat Udyog Sangh, Raigarh Vs. M/s. Jindal Steel & Power Limited, Raigarh**} to this Court explaining the circumstances, which compelled the Commission to pass the order dated 19th June, 2018 without noticing the petitioner and other affected parties.

Explanation will be submitted on or before the next date of hearing by the Regulatory Commission.

At this stage, learned Senior Counsel appearing for the petitioner would submit that appeal against the order dated 23.12.2014 is pending consideration before the Appellate Tribunal for electricity since 19th November, 2015 in which, he may be allowed to file an application for impleading respondents No. 2 to 6 herein within a period of one week i.e. after re-opening of the appellate Tribunal.

The petitioner is at liberty to move such an application before the appellate authority, which will be considered by the said Tribunal in accordance with law.

Certified copy to the parties by tomorrow.

D/-

Sd/-
(Sanjay K. Agrawal)
Judge

