

IN HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 174 OF 2015

PETITIONER

:

M/s Ecofren Power & Projects Private Ltd., through its Authorized Signatory Mr. Santeeswara Rao, son of Shri V. Venkata Rao, General Manager, having its registered office at Plot No.1071, Road No.44, Jubilee Hills, Hyderabad-500033 and having its site office at Chandkhuri, Block & District Durg. Civil & Revenue District Durg.

WPC - 174/15
P.R.No. 2020/15
Presented by Shri. Shantaram Kumar
dated 28/1/15

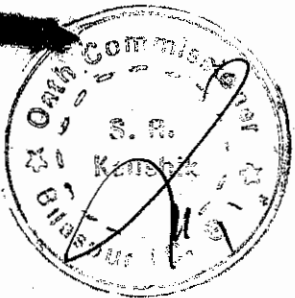
Vs

RESPONDENT

:

Chhattisgarh State Power Distribution Company Ltd., a Government of Chhattisgarh undertaking and a successor company of Chhattisgarh State Electricity Board, through its Managing Director, Vidyut Sewa Bhawan, 4th Floor, Daganiya, Raipur (CG)

Ans. 2 from Rps for
revenue litigation
committed 4/1/15



PETITION UNDER ARTICLE 226 OF THE CONSTITUTION

OF INDIA

41

HIGH COURT OF CHHATTISGARH, BILASPUR

D.B.: HON'BLE SHRI NAVIN SINHA, ACTING CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.

WRIT PETITION (C) NO. 174 OF 2015

PETITIONER M/s Ecofren Power & Projects Private Ltd.

Versus

RESPONDENT Chhattisgarh State Power Distribution
Company Ltd.

AND

WRIT PETITION (C) NO. 175 OF 2015

PETITIONER M/s ISA Power & Projects Private Ltd.

Versus

RESPONDENT Chhattisgarh State Power Distribution
Company Ltd.

(WRIT PETITIONS UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

Appearance:

Mr. V.V.S. Murty, Sr. Advocate with Mr. Shantanu Kumar, Advocate
for the Petitioners.

Mr. K.R. Nair, Advocate for the Respondent.

ORDER

(2nd of February, 2015)

PER NAVIN SINHA, ACTING CJ.

1. We have heard Learned Counsel for the Petitioners and the Respondents in both petitions. The questions involved being common, they have been heard together and are being disposed by a common order. To facilitate better appreciation of the issues involved, we shall
- 41

notice the facts primarily from Writ Petition (C) No. 174 of 2015.

2. The Petitioner is stated to have entered into a Power Purchase Agreement with the Respondent. The validity of the same is to expire in the financial year 2014-15. Pursuant to an order dated 15.1.2008 passed by the Chhattisgarh State Regulatory Commission, the Respondent by letter dated 24.10.2011 has proposed to extend the agreement for another 20 years enclosing a draft agreement. The Petitioner is stated to have replied to the same and is aggrieved by the failure of the Respondent to take a final decision regarding the same.

3. Learned Senior Counsel for the Petitioners submitted that all they desire is a direction to the Respondent to take a final decision.

4. Learned Counsel for the Respondent with reference to the reply of the Petitioner dated 23.6.2012 submitted that they have made a counter proposal.

5. At this stage, we are not concerned with the merits of the decision that may be arrived at but only the need for a final decision to be taken by the Respondents in accordance with law.

6. Both the writ applications are disposed with directions to the Respondent to take a final decision in accordance with law with regard to extension of the Power Purchase Agreement within a maximum period of four weeks from the date of receipt and/or presentation of a copy of this order. If the Petitioner relies upon similar Power Purchase



Agreements granted in some other States and if the Respondent proposes to reject the same, we expect them to pass a reasoned and speaking order.

7. Any other grievance regarding alleged arrears may be raised before the Respondent by filing an appropriate representation.

8. The applications are disposed.

**Sd/-
Acting Chief Justice**

**Sd/-
P. Sam Koshy
Judge**

Anu

Vee
Teey
1/11