

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.317 of 2015

M/s. Century Cement Prop. Century Textiles and Industries Ltd. Having its Head Office at Industry House, 159 Churchgate Reclamation Mumbai 400020 and Cement Manufacturing Unit at P.O. Baikunth 493116 District Raipur Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Electricity Regulatory Commission Irrigation Colony Shanti Nagar Raipur Chhattisgarh through its Secretary

2. Chhattisgarh State Renewable Energy Development Agency [CREDA] (Department of Energy Govt. of Chhattisgarh) CREDA 2nd Floor CSERC Building Shanti Nagar Raipur Chhattisgarh through its Secretary

---- Respondents

For Petitioner	: Shri Ashish Shrivastava, Advocate
For Respondent No.1	: Shri Malay Kumar Bhaduri, Advocate
For Respondent No.2	: Shri Devershi Thakur, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

08/08/2016

1. The Petitioner has challenged the vires of Regulation 4 of the Chhattisgarh State Electricity Regulatory Commission (Renewal Purchase Obligation and REC Framework Implementation) Regulations, 2011. The main ground of challenge is that this regulation is ultra vires the provisions of Sections 7 and 9 of the Electricity Act, 2003. This question is no longer *res integra*. The Apex Court in (2015) 12 SCC 611 (Hindustan Zinc Limited v. Rajasthan Electricity Regulatory Commission) has rejected the identical challenge to same provision by the Rajasthan Electricity Regulatory Commission.

2. Learned Counsel for the parties are *ad idem* on the issue that this case is squarely covered by the judgment rendered by the Apex Court in Hindustan Zinc Limited (*supra*). Therefore, this writ petition is dismissed.

Sd/-

**(Deepak Gupta)
CHIEF JUSTICE**

Sd/-

**(Sanjay K. Agrawal)
JUDGE**