

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2922 of 2016

- S K S Ispat & Power Ltd. A Company Incorporated Under The Companies Act, 1956, Through Its Authorized Signatory, Shri Gopal Garg, Having Its Office At 501 B, Elegant Business Park, Andheri Kurla Road, J. B. Nagar, Andheri (E), Mumbai- 400059 And Factory At Siltara, Industrial Growth Centre, Phase - li, 18th Milestone, Bilaspur Road, Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. Chhattisgarh State Electricity Regulatory Commission Through Its Secretary, Having Its Regd. Office At Civil Lines, G. E. Road, Raipur, (Chhattisgarh)492001
2. State Of Chhattisgarh, Through The Secretary, Department Of Energy, Mantralaya, Naya Raipur, (Chhattisgarh)
3. Chhattisgarh State Power Distribution Company Ltd., Through The Managing Director, 4th Floor, Vidyut Sewa Bhawan, Daganiya, Raipur, (Chhattisgarh) -492013

---- Respondents

For Petitioner	Shri Ashish Bernard and Shri Ankit Singhal, Advocates
For Respondent-State	Shri U. N. S. Deo, GA
For Respondent No.1	Shri Arvind Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/11/2016

1. The petitioner has invoked the writ jurisdiction of this Court to seek direction to the respondent No.1 to re-hear the matter in accordance with law on the ground that the matter was heard and reserved by the Chhattisgarh State Electricity Regulatory Commission on 11.09.2015, but the order was passed almost

after a year i.e. 01.09.2016.

2. Referring to the law laid down by the Supreme Court in **Anil Rai vs. State of Bihar**¹, Shri Ashish Bernard, learned counsel appearing for the petitioner, would submit that the Commission should pronounce the orders within reasonable time so that the aggrieved party may not nurture any sense of injustice.
3. Shri Arvind Shrivastava, learned counsel appearing for the Commission on advance notice, would submit that the Commission always makes effort to pass orders within reasonable time, however, there may be few cases wherein delay has occurred.
4. In the matter of **Anil Rai** (supra), the Supreme Court has held thus in para 10:-

10. Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for the present, are as under:

(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the court officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/ Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned

1 (2001) 7 SCC 318

shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months, from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as deems fit in the circumstances.”

5. In view of the observations made by the Supreme Court, as reproduced above, it is expected of every judicial or quasi judicial authority to pass orders within reasonable time from the date of hearing and reserving the matter.
6. This Court expects that the Commission shall also adhere to the observations made by the Supreme Court.
7. With the above observation, the writ petition stands disposed of, however, liberty is reserved in favour of petitioner to challenge the order (Annexure-P-1) before the Appellate Authority.

Sd/-

JUDGE
PRASHANT KUMAR MISHRA