

HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.C. No. 609 of 2017

Arising out of order dated 27.07.2017 passed in W.P.(C) No. 1143 of 2017 by
this Court

1. Chhattisgarh State Power Transmission Company Limited, Through Chief Engineer SLDC/CSPTCL, Vidyut Bhawan, Dangania, Raipur (C.G.)
2. Chhattisgarh State Power Distribution Company Limited, Through the Managing Director, Vidyut Bhawan, Dangania, Raipur (C.G.)

---- Petitioners/Applicants

Versus

1. Central Electricity Regulatory Commission (CERC) Through the Secretary, 3rd & 4th Floor, Chanderlok Building, 36, Janpath, New Delhi – 110001
2. Bharat Aluminium Company (BALCO), Balconagar, Korba (C.G.) Through its authorized signatory Ninad Nigam, S/o Shri Pradeep Kumar Nigam, Aged about 35 Years
3. Chhattisgarh State Electricity Regulatory Commission (CSERC), through its Secretary, Shanti Nagar, Raipur (C.G.)
4. Union of India, Through the Joint Secretary (Transmission), Ministry of Electricity (Power), Department of O & M, Transmission and PGCIL, Rafi Marg, Shram Shakti Bhawan, New Delhi 110001
5. State of Chhattisgarh, Through the Secretary, Department of Energy Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Kanak Tiwari, Senior Advocate with Shri Apurv Kurup and Shri Varun Sharma, Advocates
For Respondent No.1	:	Shri Ankit Singhal, Advocate
For Respondent No.2	:	Shri Prashant Jayswal, Senior Advocate with Shri Shailendra Sharma Advocate
For Respondent No.3	:	Smt. Meena Shastri, Advocate
For Respondent No.4	:	Shri N.K. Vyas, Assistant Solicitor General
For Respondent No.5	:	Shri Prafull N Bharat, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

Order on Board

Per, Thottathil B. Radhakrishnan, Chief Justice

05/09/2017

1. We have heard the learned counsel appearing for the parties in this matter.
2. This is an application seeking suitable modification of the order dated 27.7.2017 passed in Writ Petition (C) No. 1143 of 2017 by extending interim protection granted through that order.
3. On 19.7.2017, Writ Petition (C) No. 1143 of 2017 was admitted and an interim order was issued staying enforcement of the direction in the impugned decision of the Central Electricity Regulatory Commission for a period of two weeks.
4. In consonance with the terms of the aforesaid order, on 27.7.2017, the application for impleadment was allowed and the case was adjourned to 31.8.2017, obviously without noticing the fact that as per order dated 19.7.2017 the writ petition was directed to be posted on 4.8.2017. The interim order thus granted on 19.7.2017 for a period of two weeks could not be extended.
5. It is this non-extension of the interlocutory order dated 19.7.2017 that has necessitated this application for modification of the order dated 27.7.2017. The situation in hand is essentially the result of the adjournment of the case beyond 4.8.2017 without extending the interlocutory order. This would have happened as a mistake in the court proceedings, which should not prejudice any of the parties.

6. For the aforesaid reasons, the M.C.C. is ordered directing that the interim order granted in W.P.(C) No. 1143 of 2017 on 19.07.2017 will stand revived and shall continue to govern the parties for a period of four weeks for the time being.

7. M.C.C. is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge