

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.6519 of 2005

Ultra Tech Cement Limited, A Company incorporated under the Companies Act, 1956, having its Registered Office at 'A' Wing, Ahura Centre, 1st Floor, Mahakali Caves Road, Andheri (E), Mumbai (Maharashtra), having its Cement Plant at Hirmi Cement Works, Hirmi, Distt. Raipur (C.G.) Through its Vice President Jitendra Kumar, S/o Shri Vishwanath Pratap Singh, Aged about 60 years, R/o Hirmi Cement Works, Hirmi, Distt. Raipur (C.G.)

---- Petitioner

Versus

1. Chhattisgarh State Electricity Board, through the Secretary, P.O. Sunder Nagar, Dangania, Raipur (C.G.)
2. The Additional Chief Engineer (Commercial), Chhattisgarh State Electricity Board, P.O. Sunder Nagar, Dangania, Raipur (C.G.)
3. Madhya Pradesh Electricity Board, Through the Secretary, Shakti Bhawan, Rampur, Jabalpur (M.P.)

---- Respondents

For Petitioner: Mr. Ashish Shrivastava, Advocate.
 For Respondent Nos.1 and 2: -
 Mr. B.P. Gupta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/01/2018

1. Heard.
2. Learned counsel for the parties submit that the issue involved in the present case is covered by the decision rendered by a Division Bench of this Court in the matter of Grasim Cement Rawan v. Chhattisgarh State Power Distribution Co. Ltd. and another (W.P.No.4099/1995) and other connected matters, decided on 18-10-2016, in which it has been held as under: -

“5. Therefore, the only question which has to be

decided by this Court was whether the Electricity Board was supplying or willing to supply energy equivalent or exceeding 40% of the load factor. These Petitions have been pending for more than 20 years and neither the industries nor the Board took any steps for 20 long years to apprise this Court of the supply of the electricity. However, now the Board has filed affidavit in which it is stated that it was always supply energy equivalent to more than 40% connected load factor which fact is not seriously disputed by the Petitioner. Since the industry has failed to establish that the Electricity Board was not in a position or did not supply 40% of the minimum load factor, it is not entitled to any refund of the minimum charges already paid by it to the Board.

6. In this view of the matter, we find that nothing survives in these Writ Petitions, which are accordingly disposed of.”

3. In view of the above, the writ petition is closed.

Sd/-
(Sanjay K. Agrawal)
Judge