IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(T) No. 545 of 2020
With
W.P.(T) No. 544 of 2020
With
W.P.(T) No. 547 of 2020
With
W.P.(T) No. 548 of 2020

M/s Flowmore Limited, a company registered under the Companies Act, 1956, having its Branch Office at Ghaziabad, Uttar Pradesh through its Manager Commercial cum authorized Signatory, Raihan Ahmad, R/o Paras Toli, Doranda, Ranchi, Jharkhand --- --- Petitioner in all cases

Versus

1. The State of Jharkhand through its Secretary- cum –Commissioner, Commercial Taxes Department, Ranchi
2. Deputy Commissioner of Commercial Taxes, Ranchi
3. Jharkhand Urja Sancharan Nigam Limited through its Managing Director, Dhurwa, Ranchi
4. The General Manager, Finance, JUSNL, Dhurwa, Ranchi

--- Respondent in all cases

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CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY
Through Video Conferencing

For the Petitioner : M/s M.S. Mittal, Sr. Adv., Rahul Lamba, Advocate
For the Resp.-State : Mr. Piyush Chitresh, A.C. to A.G.
For the Resp.-JUSNL : Mr. Mrinal Kanti Roy, Advocate

11/10.12.2020

1. Heard learned Senior Counsel for the petitioner Mr. M.S. Mittal assisted by Mr. Rahul Lamba for the petitioner; Mr. Mrinal Kanti Roy for the respondent no.3 Jharkhand Urja Sanchar Nigam Limited (JUSNL) and Mr. Piyush Chitresh, A.C. to learned Advocate General representing the State.
2. These batch of writ petitions have been filed seeking a direction upon the respondents to resolve in a time bound manner the issue between the State Government and the JUSNL, for issuance of required Forms-'C' to the petitioner in respect of inter-state purchases made by the respondents at concessional rate from the petitioner as provided in the order dated 16.07.2019 passed by this Court in W.P.(T) No. 1005 of 2019 and analogous cases. Further prayer has been made seeking a writ of declaration that the actions of the respondents in not issuing the required statutory Forms-'C' to the petitioner despite the representations or assurances made by the respondents to issue the said Forms-'C' to the petitioner is arbitrary, unjust and illegal.
3. Different writ petitions have been filed relating to different financial year. The details are as under: -

Case number	Financial year	C form as claimed by the petitioner for inter-state purchases said to have been made by the respondent no. 3 from the petitioner to the extent of
W.P.(T) No. 545 of 2020	2015-16	Rs. 18,31,78,835/-
W.P.(T) No. 544 of 2020	2017-18	Rs. 23,91,04,625/-
W.P.(T) No. 547 of 2020	2016-17	Rs.1,24,76,24,341 /-
W.P.(T) No. 548 of 2020	2013-14	Rs.36,62,46,057/-

4. Learned Senior Counsel appearing on behalf of the petitioner states that so far as the statutory Forms-'C' relating to the financial year 2015-16; 2017-18 and 2013-14 are concerned, the same have already been issued during the pendency of these writ petitions. Accordingly, no grievance survives, so far as W.P.(T) No. 545 of 2020; W.P.(T) No. 544 of 2020 and W.P.(T) No. 548 of 2020 are concerned. However, he submits that the affidavit in connection with all the cases have been filed only in W.P.(T) No. 545 of 2020 and therefore, the records of W.P.(T) No. 545 of 2020 be placed along with the record of W.P.(T) No. 547 of 2020 relating to financial year 2016-2017 and W.P.(T) No. 547 of 2020 may be kept pending as there are surviving grievance of the petitioner, so far as financial year 2016-17 is concerned.
5. Learned counsel for the Respondent no.3, JUSNL Mr. Mrinal Kanti Roy on the other hand does not dispute the fact that the required Forms-'C' for the financial year 2015-16; 2017-18 and 2013-14 have been issued. So far as financial year 2016-17 involved in W.P.(T) No. 547 of 2020 is concerned, he submits that the matter has been taken to its logical conclusion to the extent that more than 95% have been issued. However he does not dispute the fact that some Forms-'C' are yet to be issued. He submits that he shall file an affidavit to the effect in support of the aforesaid statements.
6. Considering the aforesaid submissions, this Court finds that by the efflux of time and during pendency of the present cases, the grievances of the petitioner in W.P.(T) No. 545 of 2020; W.P.(T) No. 544 of 2020 and W.P.(T) No. 548 of 2020 have already been redressed and there is no point in keeping the matters pending. Accordingly, W.P.(T) No. 545 of 2020; W.P.(T) No. 544 of 2020 and W.P.(T) No. 548 of 2020 are hereby disposed of.
7. So far as W.P.(T) No. 547 of 2020 is concerned, the matter is adjourned and directed to be posted on next Thursday i.e., 17.12.2020. It is further directed

that records of W.P.(T) No. 545 of 2020 be kept along with the records of W.P.(T) No. 547 of 2020 for reference to the various affidavits filed in the said case.

8. Learned counsel for the JUSNL shall file an affidavit in support of the aforesaid statements regarding the surviving grievances of the petitioner for the financial year 2016-17 involved in W.P.(T) No. 547 of 2020. The affidavit should be filed latest by Tuesday i.e., 15.12.2020 and matter is directed to be posted on next Thursday i.e., 17.12.2020.

(Aparesh Kumar Singh, J.)

(Anubha Rawat Choudhary, J.)

A.Mohanty