

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1424 of 2020**

Kaushal Power & Steel Private Limited, A Company Incorporated Under The Provisions Of The Companies Act, 1956 And Carrying On Business Under The Name And Style Of M/s. Prayash Steel As The Sole Proprietor Thereof And Having Its Office At Plot No. 5 - 8, Phase II, Industrial Growth Centre, Siltara, Raipur Represented By Its Authorized Signatory Mr. P. Ram Krishna Son Of P.S. Narayana, Residing At C - 1, Kota Colony, Raipur 492011

---- Petitioner**Versus**

1. Chhattisgarh State Power Distribution Company Limited, A Company Incorporated Under The Provisions Of The Companies Act, 1956 And Carrying On Business From Danganiya, P.O. Sunder Nagar, Raipur, Chhattisgarh 492013
2. Superintending Engineer (CC-II) Chhattisgarh State Power Distribution Company Limited, Having His Office At Gudhiyari, Raipur, Chhattisgarh 492011
3. Executive Director / CE, Chhattisgarh State Power Distribution Company Limited Having His Office At Gudhiyari, Raipur, Chhattisgarh 492011
4. Chief Engineer (RA & PM) Chhattisgarh State Power Distribution Company Limited, Having His Office At Dangania, Raipur, Chhattisgarh, 492011

---- Respondents

For Petitioner	:	Mr. Jishnu Choudhary, Advocate
For Respondents	:	Mr. Abhinav Kardekar, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

09.07.2020

1. The limited relief that the petitioner has raised in the present writ petition is for issuance of an appropriate writ to the respondents for considering the request of the petitioner for grant of easy installments in paying monthly electricity bills which have been raised by the respondents for the months March to May, 2020. (According to the petitioner, in between, they have cleared the electricity bill for the month of February, 2020).
2. Learned counsel for the petitioner highlighted the pandemic situation that prevailed on account of which there was a lock down of the establishment itself and because of which, the petitioner is facing acute financial stringency and thereby the petitioner has prayed for some relaxation from the respondents so far as the payment of bills for the period March to May, 2020.
3. Learned counsel appearing for the respondents submits that the petitioner which is a mini steel manufacturing company, by way of association known as “the Chhattisgarh Mini Steel Plant Association” had approached the Chhattisgarh State Electricity Regulatory Commission at Raipur for similar relief which stood disposed of vide order dated 15.05.2020 whereby certain grievance of the petitioner stands redressed.
4. According to the counsel for the respondents, the claim raised by the petitioner is one which has to be dealt with by the Commission as the respondents would not be able to take a decision in an individual case since there are about 150-200 mini steel plants operating in the State and any decision would have to be given a uniform applicability.

According to the counsel for the respondents, this aspect has already been communicated to the petitioner vide correspondence dated 22nd June, 2020.

5. Given the submission that the petitioner has made and the stand that the respondents have taken in their reply, this Court is of the opinion that since the relief sought for by the petitioner cannot be confined only to the petitioner because it may have further repercussions and similar claim may be raised by other similarly placed persons or other mini steel plants also, therefore, the stand taken by the respondents, requesting the petitioner to approach the Commission for ventilating their grievance so far as granting of relaxation in payment of bills for the period March to May, 2020 by way of installments, seems to be fair and justifiable.
6. Without entering into the merits of the claim as raised by the petitioner, considering the factual matrix as has been enumerated by the petitioner in its petition and also appreciating the fact that admittedly there was a lock down on account of which there has been some adverse situation faced by the petitioner establishment and it needs some consideration as a policy decision or matter.
7. Accordingly, this Court permits the petitioner to approach the Chhattisgarh State Regulatory Commission requesting the Commission to consider their request for grant of some relaxation/facilities by way of installments in clearing the demand raised by the respondents for the months March to May, 2020. Subject to the petitioner approaching the Commission, it is expected that the Commission shall take a decision on the same at the earliest.

8. Meanwhile, it is expected that till the petitioner approaches the Commission and the Commission takes a decision on the application of the petitioner for facilities of installments, the respondents would not take any coercive step against the petitioner for the demand period March to May, 2020.
9. Considering the fact that the writ petition has come up for hearing in the month of July, 2020, it is expected that the petitioner while approaching the Commission would show their bonafides by depositing at least 1/3rd of the demand pending till date and only for the balance of amount, the petitioner shall seek for installments.
10. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge