

29.06.22
Sl-03
Ct.32
(S.R.)

**FMA No.2275 of 2016
with
CAN No.2 of 2016 (Old No. CAN 2341 of 2016)
WBERC & Anr.
v.
India Power Corporation Ltd. & Ors.**

Mr. Pratik Dhar, Sr. Adv.
Mr. Ritwik Pattanayak ... for the appellants.

Mr. Tapan Kr. Mukherjee, AGP
Mr. Rabindra Narayan Dutta
Mr. H.K. Halder ... for the State.

The present appeal has been preferred challenging a judgment dated 17th August, 2015 passed in W.P. No.22561 (W) of 2014.

Records reveal that an order dated 7th July, 2014 passed by the West Bengal Electricity Regulatory Commission was under challenge in the said writ petition. In the said order dated 7th July, 2014 it was, *inter alia*, observed as follows: -

“By operation of Section 17(4) of the Electricity Act, 2003, all prohibited acts falling under Section 17(3) without the prior approval of the commission, shall be void. Admittedly, no approval was taken by DPSCL for its merger and/or amalgamation with IPCL. Accordingly, by virtue of Section 17(4), the act of merger and/or amalgamation with IPCL with the DPSCL, as a licensee, stands void. It is made clear that this order is specifically made for DPSCL as a licensee and not just as a company.”

In course of hearing, Mr. Dhar, learned senior advocate appearing for the appellants submits that the appeal is pending since the year 2016 and in the midst thereof, several tariff orders have been issued by the

appellants in favour of Indian Power Corporation Limited.

In view thereof, no further order is required to be passed in the present appeal and the same along with the connected application are, accordingly, disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)