

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7434 of 2022

M/s. Jindal Stainless Limited

.....

Petitioner

Mr. Aditya Narayan Das, Adv.

-Versus-

Odisha Electricity Regulatory Commission (OERC)

Chandrsekharapur, Bhubaneswar & Ors.

Opposite Parties

Mr. Ashok Kumar Parija, Sr. Adv.

(For Opp. Parties 2 & 3)

Mr. Anand Kumar Srivastava, Adv.

(Caveator)

CORAM:

JUSTICE C.R. DASH

JUSTICE M.S. SAHOO

ORDER

23.03.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. Aditya Narayan Das, learned counsel for the petitioner and Mr. Ashok Kumar Parija, learned Senior Counsel appearing for the Opp. Parties 2 & 3.
3. As composite orders passed in four cases have been challenged in one writ petition, we are not inclined to entertain the writ petition on the ground of procedural lapses.

4. The petitioner, if so advised, may file separate writ petitions against each of the orders, though composite.

5. At this stage, it is submitted by Mr. Das, learned counsel for the petitioner that, review petitions are pending before the OERC and he may be protected till the review petitions are heard and disposed of.

6. Mr. Ashok Kumar Parija, learned Senior Counsel appearing for Opp. Parties 2 & 3 submits that, the Opp. Parties 2 & 3 are buying power from GRIDCO and they are also liable to pay delayed payment surcharge, as the petitioner, who is also liable to pay delayed payment surcharge to Opp. Parties 2 & 3.

7. Mr. Das, learned counsel for the petitioner submits that, out of the outstanding dues of Rs.83 Crore and some odd, the petitioner has already paid a sum of Rs.51.29 Crore, which fact is disputed by Mr. Parija, learned Senior Counsel.

8. Taking into consideration the facts and submissions and the peculiarity that the review petitions are pending before the OERC, we dismiss this writ petition with observation that, on payment of Rs.5,00,00,000/- (Rupees Five Crore) by the petitioner within a week from today and on payment of all the current dues that comes every month as bill, no coercive action shall be taken against the petitioner till the review petitions are taken up and interim application is filed before the reviewing authority.

9. It is made clear that, if the petitioner fails to pay any current dues for any month, Opp. Parties 2 & 3 have the liberty to take any action in accordance with law.

10. At this stage, another offer is made by Mr. Das to the effect that, the petitioner may negotiate with Opp. Parties 2 & 3 in the

meantime. If such an offer is made by the petitioner to Opp. Parties 2 & 3, Opp. Parties 2 & 3 are free to accept such offer, if made. The interim application filed before the OERC, shall be disposed of within three weeks from the date of receipt of a certified copy of this order.

11. It is made clear that, if for any technical difficulty of the Coram etc., the review petition cannot be taken up, this Order shall be effective for a period of two months from today.

12. The writ petition is accordingly dismissed.

13. Urgent certified copy of this Order be granted as per rules.



.....
C.R. Dash, J.

.....
M.S. Sahoo, J.



