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24.03.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 1179 of 2023

M/s. India Power Corporation Ltd.

-vs.-

The West Bengal Electricity
Regulatory Commission & Ors.

Mr. Kishore Datta
Mr. Bratin Kumar Dey
...for the petitioner

Mr. Pratik Dhar
Mr. Ritwik Pattanayak
...for the WBERC

Mr. Joydip Kar
Mr. Debanjan Mukherjee
...for the WBSEDCL (added respondent)

The learned Senior Advocate appearing for the petitioner submits, on instruction, that the petitioner is agreeable to the offer given by the WBERC that the WBERC shall decide the similar issue pending before the WBERC at the instance of the petitioner, in accordance with law.

It is further submitted that the petitioner is agreeable to go on paying the current electricity charges duly, without prejudice to the rights and contentions of any of the parties.

The learned Senior Advocate appearing for the WBSEDCL, the added respondent, submits that in the event such a hearing is given by the WBERC, all

concerned and interested parties ought to be heard, since the outcome of the challenge may lead to a change in the policy as well.

In such view of the matter, WPA 1179 of 2023 is disposed of by granting liberty to the petitioner to move before the WBERC with the dispute as agitated in the present writ, if necessary by filing an additional statement or other pleadings before the WBERC.

The WBERC shall, thereafter, decide the issue in accordance with law upon giving opportunity of hearing to all interested parties as expeditiously as possible.

It is further clarified that the merits of the present challenge have not been gone into by this court at all and it will be open to the WBERC to decide all issues independently and in accordance with law.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)