

08.04.2025
Item Nos.6-34
gd/ssd

MAT 395 of 2023
East India Holdings Private Limited & Anr.
Vs.
Damodar Valley Corporation & Ors.
With
FMA 592 of 2024
M/S. SBIW Steels Private Limited & Anr.
Vs.
Damodar Valley Corporation & Ors.
With
MAT 436 of 2023
Arjan Dass and Sons Private Limited & Anr.
Vs.
West Bengal Electricity Regulatory
Commission & Ors.
With
MAT 438 of 2023
Surya Alloy Industries Limited & Anr.
Vs.
West Bengal Electricity Regulatory
Commission & Ors.
With
MAT 439 of 2023
Metsil Exports Private Limited & Anr.
Vs.
West Bengal Electricity Regulatory
Commission & Ors.
With
MAT 440 of 2023
Xpro India Limited & Anr.
Vs.
West Bengal Electricity Regulatory
Commission & Ors.
With
MAT 442 of 2023
H R Ispat Private Limited & Anr.
Vs.
West Bengal Electricity Regulatory
Commission & Ors.
With
MAT 454 of 2023
Haldia Steels Private Limited & Anr.
Vs.
West Bengal Electricity Regulatory
Commission & Ors.
With
MAT 485 of 2023
Supersmelt Industries Private Limited & Anr.
Vs.
West Bengal Electricity Regulatory

Commission & Ors.
With
MAT 508 of 2023
Damodar Valley Corporation & Anr.
Vs.
Jai Ambey Metals Private Limited & Ors.
With
MAT 509 of 2023
Damodar Valley Corporation & Anr.
Vs.
Shree Waris Piya Steel Company Private Limited & Ors.
With
MAT 511 of 2023
Damodar Valley Corporation & Anr.
Vs.
H. R. Ispat Private Limited & Ors.
With
MAT 512 of 2023
Damodar Valley Corporation & Ors.
Vs.
M/S Sonic Thermal Private Limited & Anr.
With
MAT 514 of 2023
Damodar Valley Corporation & Anr.
Vs.
XPRO India Limited & Ors.
With
MAT 515 of 2023
Damodar Valley Corporation & Anr.
Vs.
Calster Sponge Limited & Ors.
With
MAT 518 of 2023
CAN 4 of 2025
Damodar Valley Corporation & Anr.
Vs.
Alishan Steels Private Limited & Ors.
With
MAT 519 of 2023
Damodar Valley Corporation & Anr.
Vs.
Metsil Exports Private Limited & Ors.
With
MAT 520 of 2023
Damodar Valley Corporation & Anr.
Vs.
Surya Alloy Industries Limited & Ors.
With
MAT 522 of 2023
CAN 4 of 2025
Damodar Valley Corporation & Anr.
Vs.
Sumangal Ispat Private Limited & Ors.

With
 MAT 523 of 2023
 CAN 4 of 2025
 Damodar Valley Corporation & Anr.
 Vs.
 Expandable Enterprise Private Limited & Ors.
 With
 MAT 525 of 2023
 Damodar Valley Corporation & Anr.
 Vs.
 HMB Ispat Private Limited & Ors.
 With
 MAT 526 of 2023
 Damodar Valley Corporation & Anr.
 Vs.
 Venkey Hi-Tech Ispat Private Limited & Ors.
 With
 MAT 527 of 2023
 Damodar Valley Corporation & Anr.
 Vs.
 Haldia Steel Private Limited & Ors.
 With
 MAT 528 of 2023
 Damodar Valley Corporation & Anr.
 Vs.
 Ruhr Ispat Private Limited & Ors.
 With
 MAT 529 of 2023
 Damodar Valley Corporation & Anr.
 Vs.
 Shree Ramdoot Rollers Private Limited & Ors.
 With
 MAT 530 of 2023
 Damodar Valley Corporation & Ors.
 Vs.
 M/s. Ispat Damodar Private Limited & Anr.
 With
 MAT 531 of 2023
 CAN 4 of 2025
 Damodar Valley Corporation & Anr.
 Vs.
 H P Ispat Private Limited & Ors.
 With
 MAT 762 of 2023
 M/s. Ispat Damodar Private Limited & Anr.
 Vs.
 Damodar Valley Corporation & Ors.
 With
 MAT 763 of 2023
 M/s. Sonic Thermal Private Limited & Anr.
 Vs.
 Damodar Valley Corporation & Ors.

Mr. S.N. Mookherjee, Sr. Adv,
 Mr. A. Mazumdar, Sr. Adv.
 Mr. B. Prasun Mukherjee
 Mr. Deepak Agarwal
 Mr. Subhrojyoti Mookherjee
 for the Damodar Valley Corporation.

Ms. Sharmishtha Ghosh
 Mr. Victor Chatterjee
 Mr. Amit Ghosh
 for WBERC

Mr. Sagar Bandopadhyay
 Mr. Debdatta Saha
 Mr. Tapas Saha
 Mr. Subhamay Diwanji
 for Appellants in item no.7.

Mr. Sagar Bandopadhyay
 Mr. Kaushik Chatterjee
 for Appellants in item nos.33 and 34
 and for the Respondents in item nos.
 18 and 31.

Mr. Tanoy Chakraborty
 Mr. Shayak Mitra
 Mr. Abhijit Sarkar
 for Appellants in item no.12 and
 17.

Mr. Tanoy Chakraborty
 Mr. Debsoumya Basak
 for Appellants in MAT 454 of 2023
 and for the Respondent in MAT 527
 of 2023.

Mr. Siddharth Shroff
 For Appellants in item nos.9, 10 and
 11 and for the Respondents in items
 nos.19, 22 and 23 and for the
 Applicant in item nos.21 and 25.

Mr. Joydeep Kar, Sr. Adv.
 Mr. Tanoy Chakraborty,
 Mr. Siddharth Shroff
 For Applicants in item nos.24 and 32.

**Re: CAN 4 of 2025 in MAT 518 of 2023,
 CAN 4 of 2025 in MAT 522 of 2023,**

**CAN 4 of 2025 in MAT 523 of 2023 and
CAN 4 of 2025 in MAT 531 of 2023,**

1. These applications have been filed praying for appropriate modification of the order and direction passed on 10.2.2025. The operative portion of the order reads as follows:

“11. For above reasons, the respecting applications, being CAN 3 of 2025, are disposed of by modifying the earlier interim order by directing the consumers/appellants to pay 50% of the arrears based on the tariff as determined in the orders passed by DVC within a period of 60 days from the date of receipt of the server copy of this order and the balance 50% shall remain stayed, however, subject to the conditions that the consumers/appellants shall give unconditional bank guarantee from a scheduled bank within 60 days from the date of receipt of the same. It is made clear that this interim order is subject to final result of the appeals.”

2. The prayer sought for in these applications would tantamount to review in the matters which is not permissible by way of such applications.
3. The learned senior advocates appearing for the applicants would submit that there are two limbs to the order dated 10.2.2025. The first limb directs payment of 50% of the arrears based on the tariff as determined in the orders passed by the DVC within a period of 60 days from the date of receipt of the server copy of the said order. It is submitted that the 60 days period comes to end on 11th April, 2025 and all the applicants are ready and willing to comply with

the said direction. The intention that they seek before this court is with regard to the second limb of the direction while granting a stay of the balance 50% of the demand based on the tariff, a condition was imposed directing the consumers/appellants to give unconditional bank guarantee from the scheduled bank within 60 days from the date of receipt of the same. The applicants would contend that so far as the second limb of the order is concerned, the consumers/appellants are ready to pay instead of furnishing bank guarantee but requires reasonable time of at least six months.

4. This prayer is opposed by the learned senior advocate appearing for the DVC.
5. As pointed out earlier by way of an application the earlier order cannot be re-written as it would tantamount to review of the order which would be impermissible.
6. But, however, considering the difficulties pleaded by the consumers/appellants, the court can consider whether the time of 60 days for compliance of the second limb of the direction can be increased.
7. After hearing the learned senior advocates for the parties for a considerable length of time, this court is of the view since the consumers/appellants are ready and willing to pay the remaining 50% instead of furnishing a bank guarantee without modifying the

earlier direction would only extend the time fixed to comply with the second part of the direction by granting 60 days time from the date of receipt of the server copy of this order.

8. It will be well open to the appellants either to the consumers/appellants to comply with the second limb of the direction as contained in paragraph 11 or to pay the balance 50% within the extended period.
9. In order to safeguard the interest of DVC, the consumers/applicants are permanently restrained from shifting to any other generating company till the payment is made.
10. It is made clear that the above direction will be applicable only to such of those consumers/appellants who had filed the applications before the court.
11. If any other consumers/appellants seek for a similar relief, they have to approach DVC by way of representation which shall be considered.
12. In addition to the order restraining the consumers/appellants from shifting to any other generating company, a post-dated cheque for the 50% of the balance amount shall be given by the consumers/appellants to DVC which shall be returned upon compliance of the condition either by furnishing bank guarantee or payment of the 50% within the extended time.

13. In these applications there is also a prayer sought for stay of the demand of delayed payment surcharge, such a prayer cannot be considered in these applications.
14. It will be well open to the applicants to work out their remedy in accordance with law.
15. Accordingly, all the applications stand disposed of.

16.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)