

CWP-34623-2019(O&M)
with connected matters

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 06.08.2024

1.

CWP-34623-2019 (O&M)

JINDAL STAINLESS (HISAR) LIMITED

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)
2.

CWP-10436-2020(O&M)

JINDAL STAINLESS (HISAR) LIMITED

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)
3.

CWP-37362-2019(O&M)

FARIDABAD INDUSTRIES ASSOCIATION

...Petitioner(s)

Versus

HARYANA ELECTRICITY REGULATORY COMMISSION AND OTHERS

...Respondent(s)
4.

CWP-4028-2020(O&M)

M/S RIVIERA HOME FURNISHINGS PVT LTD AND OTHERS

...Petitioner(s)

Versus

HARYANA ELECTRICITY REGULATORY COMMISSION AND OTHERS

...Respondent(s)
5.

CWP-465-2020(O&M)

GARG SPINNING MILLS AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)



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6. CWP-6539-2020(O&M)

AKASH HOME FURNISHINGS PVT LTD AND ANOTHER
...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS **...Respondent(s)**

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Akshay Bhan, Sr. Advocate with
 Mr. Rose Gupta, Advocate, Mr. Drupad Sangwan, Advocate and
 Ms. Garima Modi, Advocate for the petitioner(s).
 (in CWP-34623-2019 and CWP-10436-2020)

Ms. Shrinkhla, Advocate for Mr. Tushar Sharma, Advocate
 for the petitioner(s).
 (in CWP-37362-2019, CWP-465-2020 and CWP-6539-2020)

Mr. Abhishek Sethi, Advocate and Mr. Tejbahadur Yadav,
 Advocate for the petitioner. (in CWP-4028-2020)

Ms. Tanushree Gupta, DAG, Haryana.

Mr. R.K. Doon, Advocate, Mr. Sanjeev Kaushik, Advocate,
 Mr. Divyanshu Kaushik, Advocate and
 Ms. Manreet Kaur, Advocate
 for the respondent(s)-HERC.

Mr. Samir Malik, Advocate and Mr. Tushal Mathur, Advocate
 for the respondent(s)-DHBWNL and UHBVNL.

TRIBHUVAN DAHIYA, J. (Oral)

The aforementioned petitions are based on similar facts and are
 therefore being decided together; the facts are being taken from CWP
 No.34623 of 2019.

2. The petition has been filed, *inter alia*, seeking a writ of *certiorari*
 quashing the order dated 22.10.2019, Annexure P-4, passed by the second
 respondent-Haryana Electricity Regulatory Commission, whereby its earlier
 order dated 07.03.2019, Annexure P-2, has been reviewed. The petitioner(s)



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challenged the impugned order on the ground of violation of the Principles of Natural Justice, as it had been passed without affording any opportunity of hearing to them.

3. Learned counsel for the respondents contends that during pendency of the petitions, the Regulatory Commission issued a public notice dated 24.01.2020, to afford an opportunity of hearing to all the concerned for re-determining the tariff. Pursuant thereto, the affected parties, including the petitioner(s), were heard by the Commission and their objections were considered. Thereupon, vide order dated 06.03.2020, it was decided to levy additional surcharge at the rate of ₹1.15 per kilowatt with effect from 22.10.2019. This subsequent order, dated 06.03.2020, has replaced the impugned order dated 22.10.2019, and the former has already been challenged in CWP No.10436 of 2020 by the petitioners.

4. It is also pointed out that there is efficacious alternate remedy available to the petitioner(s) to challenge the Commission's order, dated 06.03.2020, before the Appellate Tribunal for Electricity (APTEL) under Section 111 of the Electricity Act, 2003. Therefore, they should be relegated to APTEL.

5. There is no denial to the fact that the order, dated 06.03.2020, passed by the Commission has replaced its earlier order dated 22.10.2019, impugned herein, and that the order is appealable before APTEL. Since efficacious alternate remedy is available to the petitioner(s), this Court is not inclined to go into the merits of the case.

6. In this view of the matter, the writ petitions, CWP-34623-2019, CWP-37362-2019, CWP-4028-2020, CWP-465-2020 and CWP-6539-2020,

have been rendered infructuous, since the order impugned therein, dated

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22.10.2019, has been replaced by the order dated 06.03.2020. These petitions accordingly stand disposed of as such.

7. So far as the writ petition, CWP-10436-2020, is concerned, it stands disposed of with liberty to the petitioner to file an appeal against the order, dated 06.03.2020, before the Appellate Authority/APTEL, if so advised.
8. Pending application(s), if any, shall also stand(s) disposed of as having been rendered infructuous.
9. A photocopy of this order be placed on the connected files.

(TRIBHUVAN DAHIYA)
JUDGE

06.08.2024
Ad

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No