

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 2326 OF 2008

Jharkhand Small Industries Association

Petitioner

Versus

The Jharkhand State Electricity Board & Ors.

Respondents

CORAM

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR.JUSTICE D.G.R.PATNAIK**

For the Appellant/Petitioner

M/s. N.K.Pasari, S.K.Deo

For the Respondent-J.S.E.B

M/S.V.P.Singh, Sr.Advocate, A.K.Pandey,
P.K.Singh, B.Kumar

For the Respondent-Regulatory Commission

Mr.S.Srivastava

2. 6.5.2008

It is brought to our notice that already the learned Single Judge passed order on 12.2.2008 in the other writ petition, directing the Jharkhand State Electricity Board and Jharkhand State Electricity Regulatory Commission to appoint the third Member of the Forum in accordance with law within a period of three weeks from that day. Admittedly, despite the fact that three weeks have elapsed, no steps have been taken to appoint the third Member.

However, it is submitted by the learned counsel appearing for the Regulatory Commission that though in the light of the said order passed by the learned Single Judge in the other writ petition, already a letter has been sent to J.S.E.B by the Regulatory Commission on 12.3.2008, suggesting the names of Amit Chandra Choudhary and O.P.Khare for appointment as the third Member of the Forum, no reply has yet been received from J.S.E.B. On the other hand, Mr.V.P.Singh, learned Senior Counsel appearing for the Board, submits that already three letters have been sent on 7.6.2008, 16.2.2008 and 1.3.2008, requesting the Accountant General to suggest names for appointment of the third Member of the Forum.

We are not concerned with the letter sent by the Board to the Accountant General, requesting him to suggest some names, as already the learned Single Judge directed the Jharkhand State Electricity Board and the Jharkhand State Electricity Regulatory Commission to appoint third Member of the Forum. As submitted by the learned counsel appearing for the Regulatory Commission, a letter has already been sent on 12.3.2008 by the Regulatory Commission to J.S.E.B, suggesting two names for appointment of the third Member of the Forum. But

Mr.Singh, learned Senior Counsel appearing for J.S.E.B, is not in a position to say whether the same has been received by the J.S.E.B or not.

Under these circumstances, since the letter has already been sent on 12.3.2008 by the Regulatory Commission to J.S.E.B, suggesting two names for appointment of the third Member of the Forum and if the same is received by the J.S.E.B, it would be desirable to direct the J.S.E.B to take immediate steps to appoint the third Member of the Forum without any further delay either from the names suggested by the Regulatory Commission or its own nominee within three weeks from today.

Now it is represented by Mr.V.P.Singh, learned Senior Counsel appearing for the Board, that some of the accusations made by the learned counsel appearing for the petitioner against the Board as referred to in this PIL are unwarranted and unjustified.

We are not inclined to go into the veracity of those accusations as we feel that it is enough to give the aforesaid direction to the J.S.E.B at our own.

With these observations, this PIL is disposed of.

Let copies of this order be given to the counsel appearing for the parties.

Sd/- (M. Karpaga Vinayagam, C.J.)

Sd/- (D.G.R.Patnaik, J.)

*True copy
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30/7
for A.R.*