

*ITEM NO.24

COURT NO.9 SECTION XVII
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 7383/2016

M/S. ANJANEY FERRO ALLOYS LTD.

Appellant(s)

VERSUS

JHARKHAND STATE ELECTRICITY REGULATORY
COMMISSION AND ORS. Respondent(s)

(with appln. (s) for permission to bring additional facts and
documents on record and office report)

Date : 26/10/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. Rajiv Yadav, Adv.

Ms. Pallavi Pratap, Adv.

For Respondent(s) Mr. Farrukh Rasheed, Adv.

Mr. N. Kumar, Adv.

Mr. Aabhas Parimal, Adv.

Mr. Jamnesh Kumar, Adv.

Mr. Himanshu Shekhar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A. No. 7383/2016

The appeal is disposed of in terms of signed
non-reportable Judgment.

Pending applications(s) shall stand disposed of.

C.A. No 4881 of 2010

Taken on Board.

Post this appeal alongwith C.A. No. 3203 of 2016 before a
Bench o f which one of us (Rohinton Fali Nariman, J) is not a Member
for hearing on 11.01.2017 on top of the list.

(Rajni Mukhi) (Renu Diwan)

SR. P.A. ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7383 OF 2016

M/S. ANJANEY FERRO ALLOYS LTD. APPELLANT

VERSUS

JHARKHAND STATE ELECTRICITY REGULATORY

COMMISSION AND ORS. RESPONDENTS

J U D G M E N T

KURIAN, J.

1 On 17.08.2016, it was recorded on the submission of the
learned counsel for the appellant that the State Commission
had not taken up the true-up issue for the last more than
eight years. Therefore, a limited notice on the above
submission was issued.

2 The learned counsel for the Commission submits
that the true-up issue has not been taken up by the
Commission on account of pendency of Civil Appeal No. 4881
of 2010. It is not in dispute that there is no stay on the
true-up issue in the said C.A. No. 4881 of 2010.

3 However, the learned counsel for the Commission
submits that in case the said civil appeal is allowed, it
may have some impact on the true-up issue in later years.
We do not find any justification for the above
apprehension. The Commission should take up the true-up
issue and decide it making the decision subject to the
result of Civil Appeal No.4881 of 2010.

Therefore, this appeal is disposed of with a direction to Respondent No.1 to Jharkhand State Electricity Regulatory Commission to take up the true-up issue and pass the required orders within a period of six months from today.

5 However, the Commission is free to make the decision subject to the result of Civil Appeal No. 4881 of 2010 in case the said civil appeal is not disposed of before the said period.

No costs.

.....J.

[KURIAN JOSEPH]

.....J.

[ROHINTON FALI NARIMAN]

NEW DELHI

OCTOBER 26, 2016.