

(2009) 11 JH CK 0150
In the Jharkhand High Court

Madhu Sudan Mittal

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 27-11-2009

Acts Referred:

Citation : (2009) 11 JH CK 0150

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—An order was passed on 01.05.2008 by a Bench of this Court issuing certain directions indicated at paragraphs A, B, C, D and E. It appears that the employees of the Jharkhand State Electricity Board filed a SLP before the Supreme Court bearing S.L.P.(Civil) No. 17558/07 against the order dated 01.05.2008 and the Supreme Court although issued interim stay against the implementation of the direction at paragraph-A, it clearly stated that "rest of the directions will be carried out." This is how this matter has been listed before this Court to ensure implementation of the order dated 01.05.2008.

2. As it was important to ensure implementation of the direction at paragraph-D indicating that the State Government should take steps to ensure that either the plants of J.S.E.B. are repaired or decision be taken to abandon them and to build new power plants, we directed the counsel for the J.S.E.B. to ascertain as to whether this direction has been carried out or not.

3. Learned counsel for the J.S.E.B. submitted that the assessment of the cost for repairing of the power units of the J.S.E.B. has been done but the same will entail a cost of Rs. 425.00 Crores.

4. It is stated by Shri Manish Mishra, J.C. to Advocate General on behalf of respondent-State that, a sum of Rs. 100.00 Crores was approved by the Council of Advisers on 22.10.2009 for the repair of the Unit Nos. 9 and 10 of Patratu Thermal Power Plant but, the amount has not yet been received by the J.S.E.B. for want of clearance from Election Commission as it is the election time.

5. It is unfortunate that neither the State of Jharkhand nor the J.S.E.B. made any effort to implement the direction at paragraph-D which is incorporated in the order dated 01.05.2008 and when the matter has come up on several dates for implementing the order, as no stay was granted by the Supreme Court in this regard, J.S.E.B. has now come up with a plea that it has no fund. If that is so, it was the duty of the respondent-J.S.E.B. to seek extension of time in this regard but it never filed any application for extension of time nor cared to implement the order.

6. The petitioner, therefore, is at liberty to bring it to the notice of the Supreme Court that although it had refused to stay the direction of this Court given out in the order dated 01.05.2008, yet neither the J.S.E.B. nor the State Government has implemented the order since the matter is sub-judice before the Supreme Court.

7. Counsel for the J.S.E.B. has assured that Unit Nos. 9 and 10 of Patratu Thermal Power Station are under repair and repairing work of Unit No. 10 will be complete within a period of four months and Unit No. 9 will take another nine months to complete.

8. The order was passed way back on 01.05.2008 yet the repair work is not complete rather the repair work started only after one year of passing of the order in 2008 and that repair work has started only in regard to two units and the repair work of three units are yet to start.

9. The counsel for the respondent-State as also the J.S.E.B. shall explain as to why the direction issued by order dated 01.05.2008 has not been carried out even after the passage of one & a half year of the passing of the order and the up-date of the repair work shall also be reported to this Court after a period of two weeks.

10. Post this matter after two weeks on 15.12.2009 on which date, counsel for the J.S.E.B. shall report the progress of the repair work of the various Units of Patratu Thermal Power Plant.