

(2011) 08 JH CK 0111

In the Jharkhand High Court

Case No : C.W.J.C. No. 1793 of 2001 and W.P. (P.I.L.) No's. 4611 of 2009 and 2918 of 2010

Madhu Sudan Mittal

APPELLANT

Vs

Jharkhand State Electricity Board and Others
 Rohit Kumar Choudhary Vs The State of Jharkhand and Others
 Palamau Chamber of Commerce and Industry Vs The State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-08-2011

Acts Referred:

Electricity Act, 2003 — Section 142

Citation : (2011) 4 JCR 89

Hon'ble Judges : Prakash Tatia, Acting C.J.;Dhrub Narayan Upadhyay, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. For getting adequate and continuous electricity supply for the people of the State of Jharkhand, this Court is hearing the Public Interest Litigation since 2001 i.e. from just after one year of the creation of the State of Jharkhand. Ten years have passed. Several orders have also been passed in 10 years each running in several pages and on 15.02.2011, it was informed to this Court that Regulatory Commission is taking proceeding against the Board and to that also 5 months have passed.

2. Learned Counsel for the Regulatory Commission submitted that even notice u/s 142 of the Electricity Act, 2003 for penal action has been given to the Board for non-compliance of the directions issued by the Regulatory Commission from time to time.

3. Since more than 10 years have passed to the filing of this writ petition, therefore, Commission is directed to submit interim report with respect to the measures taken for providing adequate and continuous supply of electricity to the public of the State of Jharkhand.

4. The interim report may be submitted on 1st of September, 2011 after giving advance copy to the learned Counsel for the Board, Regulatory Commission, State and the learned Counsel for the Petitioner and it must be given at least 10 days in advance.

I.A. No. 2281 of 2011

5. Learned Counsel for the Damodar Valley Corporation submitted that he has filed Interlocutory Application bearing I.A. No. 2281 of 2011 and the Damodar Valley Corporation be permitted to charge the provisional tariff as per the C.R.C.

6. Learned Counsel for the Board has sought time to file reply. The reply may be filed before 1st of September, 2011 and also after giving advance copy to the learned Counsel for the Petitioner. That matter will also be considered on 1st of September, 2011.

I.A. No. 2311 of 2011 7. This Interlocutory Application has been submitted by the named accused for seeking transfer of the case from the State Vigilance Department to the C.B.I.

8. For that purpose C.B.I. if needed, is required to take steps and we are not inclined to entertain any petition on behalf of the named accused and for this purpose the Court may take cognizance only after C.B.I. submits its report and raises any grievance that any matter has not been forwarded by the State Vigilance Department which was needed to be forwarded, therefore, the I.A. No. 2311 of 2011 of the present applicant is dismissed.

9. A copy of this order may be given to the learned Counsel for the C.B.I., Board, Regulatory Commission, State and the learned Counsel for the Petitioner.