

(2003) 02 JH CK 0054
In the Jharkhand High Court
Case No : LPA No. 76 of 2003

Sai Electro Casting Pvt. Ltd.	Vs	APPELLANT
Damodar Valley Corporation and Others		RESPONDENT

Date of Decision : 17-02-2003

Acts Referred:

Constitution of India, 1950 — Article 226
Damodar Valley Corporation Act, 1948 — Section 18

Citation : (2003) 2 JCR 757

Hon'ble Judges : Vinod Kumar Gupta, C.J.; Hari Shankar Prasad, J

Bench : Division Bench

Advocate : S.S. Ray, for the Appellant; B. Poddar and 2, V.P. Singh, to 6, S. Prasad, for respondent No. 7, P.K. Prasad and B.S. Lall, AAG, for the Respondent

Judgement

1. During the course of arguments, it transpires that the Union of India through the Secretary, Ministry of Power and the State of Jharkhand through the Secretary, Department of Energy, are necessary and proper parties in this appeal and that, despite they not being the parties in the writ application should be added as party respondents in this appeal, so that the issues of far reaching importance arising in this appeal are decided by associating these two respondents properly and appropriately. It is accordingly ordered that the Union of India and the State of Jharkhand be added as party respondents No. 8 and 9 respectively. Mr. P.K. Prasad and Mr. B.S. Lall have appeared for these two respondents.
2. The respondents may file counter-affidavits in three weeks from today. Rejoinder, if any, shall be filed in one week thereafter.
3. Let the matter appear on 14th March, 2003. In the meanwhile, it is directed that In so far as the supply of energy to the appellant by Jharkhand State Electricity Board is concerned, status quo as existing on date shall be maintained in the sense that the Jharkhand State Electricity Board shall continue supplying the electricity to the appellant, subject, of course, to the appellants continuing to

pay all the charges for such supply by the Electricity Board.

The request of Mr. Ray, learned senior counsel appearing for the appellant, the appellant is permitted to file a supplementary affidavit, inter alia, incorporating the challenge to the vires of Section 18 of the DVC Act. This affidavit shall be filed within three days from today and copies thereof served upon the learned counsel for the parties opposite. Counter-affidavits to be filed by the respondents shall deal with the supplementary affidavit as well. The appellant is directed to serve complete sets of the copies of the Memo of Appeal to the learned counsel for the respondents within two days from today.

4. Let copies of this order be given to, the learned counsel for the parties.