

(2014) 07 JH CK 0019
In the Jharkhand High Court
Case No : W.P. (PIL) No. 3645 of 2013

Samar Kumar Srivastava

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 16-07-2014

Acts Referred:

Electricity Act, 2003 — Section 84(2)

Citation : (2014) 07 JH CK 0019

Hon'ble Judges : R. Banumathi, C.J.; Amitav Kumar Gupta, J

Bench : Division Bench

Advocate : Anil Kumar Sinha, Senior Advocate, Advocate for the Appellant; R.S. Mazumdar, Advocate General and Rajesh Kumar, G.P.V, Advocate for the Respondent

Judgement

1. This Public Interest Litigation is filed, seeking for a direction upon the respondents to appoint Chairman and one Member of the Jharkhand Electricity Regulatory Commission, which was constituted earlier for five years.

2. The petitioner is represented by the Senior Counsel-Mr. Anil Kumar Sinha and the respondent-State of Jharkhand is represented by the learned Advocate General-Mr. R.S. Mazumdar, appearing along with Mr. Rajesh Kumar, learned G.P.V.

3. The learned Advocate General has submitted that since the matter has been seized up by the competent authority, some time may be granted for taking decision in the matter.

4. Our attention was drawn to the judgment of the Hon'ble Supreme Court rendered in the case of T.N. Generation and Distbn. Corpn. Ltd. Vs. PPN Power Gen. Co. Pvt. Ltd., . Referring to Section 84(2) of the Electricity Act, 2003, in relation to the nature of judicial functions vested with the State Government, the Hon'ble Supreme Court in paragraph-45 held as under:

45. Keeping in view the aforesaid observations of this Court, in our opinion, the

State of Tamil Nadu ought to make necessary appointments in terms of Section 84(2) of the Act. We have been informed that till date no judicial Member has been appointed in the Tamil Nadu State Commission. We are of the opinion that the matter needs to be considered, with some urgency, by the appropriate State authorities about the desirability and feasibility for making appointments, of any person, as the Chairperson from amongst persons who is, or has been, a Judge of a High Court.

5. In view of the above decision of the Hon"ble Supreme Court, the State authorities are expected to take decision in the matter with some urgency.

6. The matter be listed on 22.7.2014.

7. Issue a copy of this order to the learned Advocate General today itself.