

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.

4 Therefore, this appeal is disposed of with a direction to Respondent No.1 -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.

JUDGMENT