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(8)

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IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 5644 OF 2010

PETITIONER

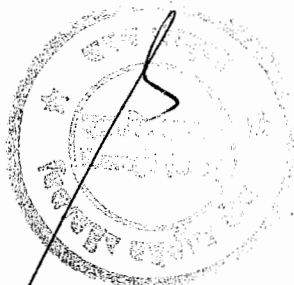
Rukmani Power and Steel Limited,
Agrawal Gudakhu Factory Campus,
Ganesh Nagar, Bilaspur Chhattisgarh
through Director Sanjay Kumar Agrawal
S/o Shri Ram Chandra Agrawal, aged
about 39 years, Agrawal Gudakhu
Factory Campus, Ganesh Nagar,
Bilaspur, Chhattisgarh

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Government of Chhattisgarh, Department of Energy, D. K. S. Bhawan, Mantralaya, Raipur (CG).
2. Chhattisgarh State Power Distribution Company Limited through Chief Engineer (Commercial), Raipur Chhattisgarh
3. Chief Engineer (Commercial), Chhattisgarh State Power Distribution Company Limited, Raipur Chhattisgarh
4. Additional Chief Engineer (Commercial), Chhattisgarh State Power Distribution Company Limited, Raipur Chhattisgarh
5. Chhattisgarh State Electricity Regulatory Commission, Irrigation Colony, Shanti Nagar, Raipur Chhattisgarh through Secretary

P.R. No. 6036/2010
Presented by Lokeshwar Singh
dated 28/9/2010



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, DIRECTION OR DIRECTIONS, ORDER OR ORDERS OR THE LIKE

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 5644 OF 2010

Petitioner

Rukmani Power and Steel Limited

Versus

Respondents

State of Chhattisgarh & Others

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(SB : Hon'ble Mr. Satish K. Agnihotri, J.)

Present :-

Shri Ranbir Singh Marhas, Advocate for the petitioner.

Shri M.P.S.Bhatia, Dy. Govt. Advocate for the State.

ORDER (ORAL)

(Passed on 30th day of September, 2010)

1. Learned counsel appearing for the petitioner submits that the order impugned dated 14.09.2010 (Annexure P-1) was passed, directing recovery of Rs. 70,90,512/-. Against that, the petitioner has already preferred an application/letter dated 23.09.2010 (Annexure P-4) for clarification regarding scheduling of energy by Biomass plants as per order dated 15.01.2008, to the Chhattisgarh State Electricity Regulatory Commission (for short "CSERC"). The same is pending consideration. Today, being the last day, if no interim order is granted, the Chhattisgarh State Power Distribution Co. Ltd. (for short "CSPDCL") may proceed with the recovery of the amount.
2. Be that as it may, it appears that pursuant to the order dated 15.01.2008, passed by the CSERC, the impugned order was passed. The petitioner has immediately preferred an application / letter to the CSERC for clarification of the order.
3. In view of that, it would not be proper to entertain the petition at this stage when the application/letter is already pending before the CSERC for consideration/modification of the earlier order. However, having regarding to the total facts, it is expected that the application/letter dated 23.9.2010 filed by the petitioner would be considered and decided by the CSERC as expeditiously as possible, preferably within a period of 4 weeks.
4. Accordingly, the writ petition is disposed of. No order asto costs.

Sd/-
Satish K. Agnihotri
Judge