

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 560 of 2012.

BTC Industries Pvt. Ltd., Kishanpur, Kichha, District U.S.Nagar, through its Director Navneet Aggarwal, R/O New Mandi Gate, Bareilly Road, Haldwani, Nainital.

...Petitioner.

Vs.

1. Uttarakhand Power Corporation Ltd. through its Managing Director, Urja Bhawan, Kanwali Road, Dehradun,
2. Executive Engineer, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Rudrapur, District U.S.Nagar.
3. Ombudsman, (Electricity), 80-Vasant Vihar, Phase-I, Dehradun.

...Respondents.

Mr. Shobhit Saharia, Advocate, learned counsel for the petitioner.

Mr. B.D.Upadhyay, Senior Advocate with Mr. Sunil Upadhyay, Advocate, learned counsel for the respondent No.1 and 2.

Date March 30, 2012.

Hon'ble B.S.Verma, J.

(Interim Relief Application No. 2752 of 2012)

Heard learned counsel for the parties.

By means of this writ petition, the petitioner has sought a writ in the nature of certiorari quashing part of the order dated 16-3-2012 passed by the respondent no.3, whereby the petitioner has been directed to furnish bank guarantee for the amounts due as penalty charged by the respondent no.1 by 10-4-2012 with the concerned Division of the UPCL.

According to the petitioner, an interim order was granted by the Ombudsman despite interim order dated 10-1-2012 granted in favour of the petitioner directing the U.P.C.L. not to take any coercive action for recovery of the disputed amount, passed the impugned order.

In this writ petition, the petitioner is aggrieved by the part of the impugned order directing the petitioner to furnish a bank guarantee for the amounts due as penalty charged by the respondent by 10-4-2012, passed in appeal/representation preferred by the petitioner, bearing Case No. 9 of 2011, which is pending for disposal before the Ombudsman.

In the above facts and circumstances coupled with the fact that the Ombudsman has granted interim order on 10-1-2012 in favour of the petitioner as well as in the interest of justice, the Ombudsman is directed to decide the appeal/representation expeditiously in accordance with law, preferably within a period of four weeks from the date of production of a certified copy of this order before him. Till then, part of the impugned order shall be kept in abeyance.

With the above direction, the writ petition is disposed of finally. All pending applications stand disposed of.

(B.S.Verma,J.)

RCP