

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.R(C) No. 3490 of 2011  
With  
W.R(C) No. 3536 of 2011

Aditya Birla Chemicals (India) Ltd.                      Petitioner in 3490/2011  
Laghu Udyog Bharti Organization                      Petitioner in 3536/2011  
Versus  
The State of Jharkhand & others                      Respondents

CORAM:    HON'BLE THE ACTING CHIEF JUSTICE  
              HON'BLE MR. JUSTICE P P BHATT

For the Petitioners                      : M/s A.K.Mehta & Ajit Kumar  
For the Respondents                    : Mr. A.K.Sinha, A.G.  
    M/s. Rajesh Shankar, Dheeraj Kumar &  
    A.Prakash

Order No. 02

Dated 8<sup>th</sup> July, 2011

By Court

Heard learned counsel for the parties.

2. These two writ petitions have been taken together as the petitioners have challenged the vires of Clause 13.4 of the JSERC (Terms and Conditions for determination of Distribution Tariff) Regulations, 2010 and this is because of the reason that the State Commission, vide order dated 14.03.2011 (Annexure-4) in case No. 33 of 2010, passed the order of relaxation in submitting the audited annual accounts by the State Electricity Board.
3. Learned counsel for the Board submitted that the said order has been challenged by one of the writ petitioner M/s. Aditya Birla Chemicals (India) Ltd. before the Appellate Tribunal for Electricity in appellate jurisdiction in Appeal No. 55 of 2011 wherein arguments have already been heard by the Appellate Tribunal on 31st May, 2011 and order has been reserved.
4. It is true that another writ petitioner Laghu Udyog Bharti



Organization, who has preferred W.P.(C) No. 3536 of 2011, has not challenged the order dated 14.03.2011 in appeal and so has been done with the plea that the petitioner is challenging the vires of Clause 13.4 referred above.

5. Since the Appellate Tribunal is seized with the matter and arguments have already been heard in the appeal preferred by writ petitioner of W.P.(C) No. 3490 of 2011 M/s. Aditya Birla Chemicals (India) Ltd., therefore, in the fact situation, we are not inclined to entertain these writ petitions when the judgment is pending before the Appellate Tribunal for Electricity where arguments have already been heard only on 31st May, 2011, therefore, these writ petitions are dismissed.

6. However, it is made clear that writ petitioners will be free to challenge the order passed by the Appellate Tribunal for Electricity in accordance with law. We are also making it clear that petitioners will be free to challenge the vires of Clause 13.4 but after the decision of the Appellate Tribunal.

*sd/-* (Prakash Tatia, A.C.J.)

*sd/-* (P. P. Bhatt, J)

Faman/Birodta

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