

SJVN Limited Vs. Director Energy & Ors.

CWP No.6410 of 2023

03.01.2024 Present: Mr. Tushar Mehta, Solicitor General of India (through Video Conferencing) with Ms. Shradha Karol, Mr. Ajit Pudusherry, Mr. Omar Ahmad, Mr. Vikram Shah, Ms. Simran Khurana, Mr. Tuhin Dey and Mr. Vaibhav Chauhan, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta & Mr. Pranay Pratap Singh, Additional Advocates General and Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the respondents.

CMP no.101 of 2024

This application is filed by the applicant for placing on record a letter dt. 20.12.2023 addressed to the petitioner by the Directorate of Energy, Government of Himachal Pradesh, *inter-alia*, stating as under:-

“In view of non-resolution of the matter by SJVN Limited with State Government and non-acceptance to the terms & conditions as per the State Energy Policy, the State of Himachal Pradesh is left with no option but to take over these projects namely Luhri Stage-I HEP (210 MW), Dhaulasidh HEP (66MW) & Sunni Dam HEP (382 MW) on as is where is basis after carrying out financial analysis. Further, the State Government has decided that in case revised policy provisions are not agreeable to SJVN Limited, State will write to SJVN Limited to hand over these projects to State Government.

Therefore, SJVN Limited is hereby afforded a last opportunity for furnishing their acceptance within 15 days on the revised policy provisions conveyed vide letters dated 16.08.2023, 22.08.2023 & notified vide notification dated 12.12.2023 and SJVN Limited is invited for signing of Implementation Agreements (IAs) accordingly.”

The application is allowed and the said document is taken on record.

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Learned Solicitor General appearing for the petitioner contends that the threat of the State of Himachal Pradesh to take over the projects in question while the Writ petition is pending and the interim order granted by this Court is subsisting, is not proper, particularly when reply of the respondents has been served today on the Advocate on record for the petitioner and a rejoinder is required to be filed by the petitioner.

Learned Advocate General states on instructions that a meeting is going to happen shortly between the representatives of the State of Himachal Pradesh and the Union of India on this very subject and an attempt is being made to amicably resolve the issue once more.

Having regard to the fact that reply of the State of Himachal Pradesh is not yet on record and the rejoinder is also to be filed, and since the parties are attempting to resolve the matter amicably, in the meantime, the interim order granted earlier shall continue till the next date of hearing.

List on ***13.03.2024***.

(M.S. Ramachandra Rao)
Chief Justice

(Jyotsna Rewal Dua)
Judge

January 03, 2024
Mukesh