

56-79  
20.09.2022.  
MNS

WPA No. 14688 of 2022  
IA No: CAN 1 of 2022  
H P Ispat Private Limited and another  
Vs.

West Bengal Electricity Regulatory  
Commission and others  
With

WPA No. 14691 of 2022  
HMB Ispat Private Limited and another  
Vs.

West Bengal Electricity Regulatory  
Commission and others  
With

WPA No. 14704 of 2022  
IA No: CAN 1 of 2022  
Debeanjana Hard Coke Private Limited  
and another  
Vs.

West Bengal Electricity Regulatory  
Commission and others  
With

WPA No. 14709 of 2022  
IA No: CAN 1 of 2022  
Alishan Steels Private Limited and another  
Vs.

West Bengal Electricity Regulatory  
Commission and others  
With

WPA No. 14722 of 2022  
IA No: CAN 1 of 2022  
Shreesatya Steel and Power Private  
Limited and another  
Vs.

West Bengal Electricity Regulatory  
Commission and others  
With

WPA No. 14728 of 2022  
IA No: CAN 1 of 2022  
Jai Venkatesh Concast Private Limited  
and another  
Vs.

West Bengal Electricity Regulatory  
Commission and others  
With

WPA No. 14763 of 2022  
IA No: CAN 1 of 2022  
Jai Ambey Metals Private Limited and  
another  
Vs.  
West Bengal Electricity Regulatory  
Commission and others  
With  
WPA No. 14764 of 2022  
IA No: CAN 1 of 2022  
Shree Ramdoot Rollers Private Limited  
and another  
Vs.  
West Bengal Electricity Regulatory  
Commission and others  
With  
WPA No. 14765 of 2022  
IA No: CAN 1 of 2022  
Sumangal Ispat Private Limited and  
another  
Vs.  
West Bengal Electricity Regulatory  
Commission and others  
With  
WPA No. 14768 of 2022  
IA No: CAN 1 of 2022  
Expandable Enterprise Private Limited and  
another  
Vs.  
West Bengal Electricity Regulatory  
Commission and others  
With  
WPA No. 14769 of 2022  
IA No: CAN 1 of 2022  
Shree Waris Piya Steel Company Private  
Limited and another  
Vs.  
West Bengal Electricity Regulatory  
Commission and others  
With  
WPA No. 14827 of 2022  
IA No: CAN 1 of 2022  
Ruhr Ispat Private Limited and another  
Vs.  
West Bengal Electricity Regulatory  
Commission and others  
With  
WPA No. 14832 of 2022  
IA No: CAN 1 of 2022

Venky Hi Tech Ispat Private Limited and  
another

Vs.

West Bengal Electricity Regulatory  
Commission and others

With

W.P.A. 15130 of 2022

CAN 2 of 2022

CAN 3 of 2022

Purulia Metal Casting Pvt. Ltd. and another

Vs.

West Bengal Electricity Regulatory  
Commission and others

With

W.P.A. 15255 of 2022

CAN 2 of 2022

CAN 3 of 2022

Nilkanth Ferro Limited and another

Vs.

State Electricity Regulatory Commission  
and others

With

W.P.A. 15332 of 2022

CAN 2 of 2022

Haldia Steels Private Limited and another

Vs.

West Bengal Electricity Regulatory  
Commission and others

With

W.P.A. 15464 of 2022

H.R. Inspat Private Limited & Anr.

Vs.

West Bengal Electricity Regulatory  
Commission & Ors.

With

W.P.A. 15587 of 2022

C,A.N. 1 of 2022

Surya Alloy Industries Limited & Anr.

Vs.

West Bengal Electricity Regulatory  
Commission & Ors.

With

W.P.A. 15590 of 2022

With

C.A.N. 1 of 2022

Metsil Exports Private Limited & Anr.

Vs.

West Bengal Electricity Regulatory  
Commission & Ors.

With

W.P.A. 16139 of 2022  
Calster Sponge Limited & Anr.  
Vs.  
West Bengal Electricity Regulatory  
Commission & Ors.  
With  
W.P.A. 16141 of 2022  
Xpro India Limited & Anr.  
Vs.  
West Bengal Electricity Regulatory  
Commission & Ors.

With  
W.P.A. 16836 of 2022  
Maha Gauri Strips Private Limited & Anr.  
Vs.  
West Bengal Electricity Regulatory  
Commission & Ors.  
With  
W.P.A 17114 of 2022  
Srinivasa Ferro Alloys Ltd. and another  
Vs.  
West Bengal Electricity Regulatory  
Commission & Ors.  
With  
W.P.A. 17116 of 2022  
Srinivasa Ferroy Alloys Limited & Anr.  
Vs.  
West Bengal Electricity Regulatory  
Commission & Ors.

Mr. Partha Sarathi Sengupta,  
Mr. Tanoy Chakraborty,  
Mr. Goutam Sharoff,  
Mr. Shayak Mitra,  
Mr. Siddharth Shroff

....for the petitioners in  
WPA 14688 of 2022

Mr. Surojit Nath Mitra,  
Mr. Tanoy Chakraborty,  
Mr. Goutam Shroff,  
Mr. Siddharth Shroff,  
Mr. Shayak Mitra

....for the petitioners in  
WPA 14691 of 2022

Mr. Tanoy Chakraborty,  
Mr. Goutam Shroff,  
Mr. Siddharth Shroff

....for the petitioners in  
WPA 14704 of 2022  
WPA 14709 of 2022  
WPA 14722 of 2022  
WPA 14728 of 2022  
WPA 14763 of 2022  
WPA 14764 of 2022  
WPA 14765 of 2022  
WPA 14768 of 2022  
WPA 14769 of 2022  
WPA 14827 of 2022  
WPA 14832 of 2022  
WPA 15587 of 2022  
WPA 15590 of 2022  
WPA 16139 of 2022  
WPA 16141 of 2022

Mr. Tanay Chakraborty,  
Mr. Shayak Mitra,  
Mr. Abhijit Sakar

....for the petitioners in  
WPA 15464 of 2022  
WPA 16836 of 2022

Mr. Tanay Chakraborty,  
Mr. Debsoumya Basak,  
Mr. Viswajit Neogi

...for the petitioners in  
WPA 11691 of 2022  
WPA 15332 of 2022  
WPA 17114 of 2022  
WPA 17116 of 2022

Mr. Abhrajit Mitra,  
Mr. S. Banerjee,  
Ms. Sanjan Sinha,  
Mr. S. K. Banerjee,  
Mr. Souradeep Banerjee

...for the petitioners in  
WPA 15130 of 2022  
WPA 15255 of 2022

Mr. M. G. Ramachandran,  
Ms. Anushree Bardhan,  
Mr. Prasun Mukherjee,

Mr. Dipak Agarwal  
 ....for the DVC

Mr. Pratik Dhar,  
 Mr. Victor Chatterjee,  
 Ms. Sharmistha Ghosh,  
 Mr. Amit Ghosh  
 .... for the WBERC in  
 WPA 14688 of 2022  
 WPA 15332 of 2022

Mr. Victor Chatterjee,  
 Ms. Sharmistha Ghosh,  
 Mr. Amit Ghosh  
 ....for the WBERC  
 in all the matters

Leave is granted to the petitioners in WPA 14691 of 2022 and WPA 14688 of 2022 to file supplementary affidavits introducing the verification portion of the affidavits-in-reply filed by the petitioners in connection with the said writ petitions. Such supplementary affidavits filed today be kept on record. Affidavits-in-reply filed today be also kept on record.

Affidavits-in-opposition filed by the WBERC in WPA 16836 of 2022 in Court today be kept on record.

Affidavits-in-opposition filed by the DVC in WPA 15587 of 2022, WPA 17114 of 2022, WPA 17116 of 2022, WPA 16139 of 2022, WPA 16141

of 2022, WPA 16836 of 2022 and WPA 15590 of 2022, in Court today be kept on record as well.

The learned Senior Advocate appearing for the petitioners points out that on a previous occasion, it was indicated by the court that the matters would be taken up for final hearing. However, since the learned Senior Advocate appearing for the West Bengal Electricity Regulatory Commission takes a preliminary objection on a point of maintainability of the writ petitions, to cut short the issue, the said objection is taken up first for being heard before proceeding with the final hearing of the matters.

Upon preliminary hearing of the objection as regards maintainability, it transpires that the said objection, which primarily pertains to the availability of an equally efficacious alternative remedy under Section 111 of the Electricity Act, 2003, the facts of the matters and the attending circumstances as well as the governing law are to be looked into at least incidentally for the purpose of deciding whether there is scope of interference under Article 226 of the Constitution. As such, the maintainability point cannot be decided as a preliminary issue. However, as indicated earlier,

all questions will be kept open for being taken at the time of final hearing of the matters.

In such view of the matter, the final hearing of the matters is being taken up now.

Heard in part.

The matters shall next be enlisted for further hearing at 2 p.m. on November 9, 2022.

The interim order granted earlier is extended till November 30, 2022 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)