

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO(S).3203 OF 2016

M/S GAUTAM FERRO ALLOYS

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

C.A. NO.2706/2016  
C.A. NOS.2707-2708/2016  
C.A. NO.2710/2016  
C.A. NOS.2711-2756/2016  
C.A. NOS.2757-2789/2016  
C.A. NO.3204/2016  
C.A. NO.3205/2016  
C.A. NO.3206/2016  
C.A. NO.3207/2016  
C.A. NO.3208/2016  
C.A. NO.3209/2016  
C.A. NO.3210/2016  
C.A. NOS.3211-3212/2016  
C.A. NO.3213/2016  
C.A. NO.3214/2016  
C.A. NO.3216/2016  
C.A. NO.3217/2016  
C.A. NO.3218/2016  
C.A. NO.3219/2016  
C.A. NO.3220/2016  
C.A. NO.3221/2016  
C.A. NO.3222/2016  
C.A. NO.3223/2016

O R D E R

We are of the opinion that these appeals pertain to the fixation of tariff from Regulation 5 (4) of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations (hereinafter referred to as CERC), 2009.

Since the final fixation has been done by the CERC during the pendency of these matters and the Calcutta High Court has held that the relevant provisions of the Regulations are violative of principles of natural justice and doctrine of transparency and is thus ultra vires but the Jharkhand High Court has upheld the same, we are of the view that the challenge laid herein has become infructuous and academic for all practical purpose. As the final fixation of tariff has already been made, we do not find any merit in these petitions at this point of time and we are of the view that these matters have been rendered infructuous.

Thus, as suggested, we set aside judgements of both the High Courts and close these matters as infructuous, however, keeping the questions of law open to be decided as and when the same would arise.

These Civil appeals are dismissed as infructuous.

.....J.  
[ARUN MISHRA]

.....J.  
[AMITAVA ROY]

NEW DELHI;  
18<sup>th</sup> January, 2017.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s) .3203/2016

M/S GAUTAM FERRO ALLOYS

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln.(s) for interim directions and intervention)

WITH

C.A. Nos.971-973/2008

(With Office Report)

C.A. No.1914/2008

(With Office Report)

C.A. No.4289/2008

C.A. Nos.4504-4508/2008

C.A. No.2706/2016

(With Interim Relief and Office Report)

C.A. Nos.2707-2708/2016

(With Interim Relief and Office Report)

C.A. No.2710/2016

(With Interim Relief and Office Report)

C.A. No.2711-2756/2016

(With Interim Relief and Office Report)

C.A. Nos.2757-2789/2016

(With Interim Relief and Office Report)

C.A. No.3204/2016

C.A. No.3205/2016

C.A. No.3206/2016

C.A. No.3207/2016

C.A. No.3208/2016

C.A. No.3209/2016

C.A. No.3210/2016

C.A. Nos.3211-3212/2016

C.A. No.3213/2016

C.A. No.3214/2016

C.A. No.3216/2016

C.A. No.3217/2016

C.A. No.3218/2016

C.A. No.3219/2016

C.A. No.3220/2016

(With Interim Relief and Office Report)

C.A. No.3221/2016

(With Interim Relief and Office Report)

C.A. No.3222/2016  
(With Interim Relief and Office Report)

C.A. No.3223/2016  
(With Office Report)

C.A. No.4881/2010  
(With appln.(s) for intervention and Office Report)

Date : 18/01/2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE AMITAVA ROY

For the appearing Parties Mr. Devashish Bharuka,Adv.  
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Mr. Deepak Goel,Adv.  
Mr. Rambabu,Adv.

Mr. Tushar Rao,Adv.  
Mr. G.S. makker,Adv.

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Mr. Anil Kumar Jha,Adv.

Mr. Aniruddh Singh,Adv.  
Mr. Prashant Kumar,Adv.

Mr. Chand Qureshi,Adv.  
Mr. Hiren Dasan,Adv.  
For Ms. Sarla Chandra,Adv.

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Mr. Kaushik Choudhary,Adv.  
Mr. Akash Garg,Adv.

M/s. Khaitan & Co,Advs.  
Mr. Abhijit Sengupta,Adv.  
Mr. Arvind Kumar Sharma,Adv.  
Mr. Mohit Kumar Shah,Adv.  
Mr. Partha Sil,Adv.  
Mr. Vishal Arun,Adv.  
Ms. Sharmila Upadhyay,Adv.

UPON hearing the counsel the Court made the following  
O R D E R

In Civil Appeal No(s).3203, 2706, 2707-2708, 2710,  
2711-2756, 2757-2789, 3204, 3205, 3206,3 207, 3208, 3209, 3210,  
3211- 3212, 3213, 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222  
and 3223 of 2016

These appeals are dismissed as infructuous in terms  
of the signed order.

In C.A. Nos.971-973, 1914, 4289 & 4504-4508 of 2008 and  
C.A.No.4881 of 2010

These matters are segregated.

List these matters for hearing after four weeks.

(B.Parvathi)  
Court Master

(Tapan Kumar Chakraborty)  
Court Master

(Signed order C.A No.3203 of 2016 etc. is placed on the file)