

**(2003) 07 JH CK 0061****Jharkhand High Court****Case No:** LPA No. 126 of 2001

Tata Iron and Steel Company  
Ltd.

**APPELLANT****Vs**

Bihar State Electricity Board and  
Others

**RESPONDENT****Date of Decision:** July 2, 2003**Citation:** (2003) 4 JCR 456**Hon'ble Judges:** P.K. Balasubramanyan, C.J; R.K. Merathia, J**Bench:** Division Bench**Advocate:** B. Poddar and Nisha Thakur, V.P. Singh and Mukesh Kumar, for the Appellant;  
Ajit Kumar, for the Respondent**Final Decision:** Dismissed

### **Judgement**

**@JUDGMENTTAG-ORDER**

1. This appeal is by the petitioner in CWJC Nor 248/2000 (R). In that writ petition, the petitioner-appellant, challenged the Circular dated 10.11.1999, marked Annexure-2 and a supplementary bill for fuel surcharge dated 24.11.1999 marked Annexure-3 and other similar bills issued relating to the various units of the petitioner. The learned Single Judge found that the questions sought to be raised related to the year 1998-99 which is covered by the decision of the Division Bench in CWJC No. 5542 of 1999 and connected cases. The learned Judge, therefore, directed the Electricity Board to issue fresh bills in terms of the direction issued in CWJC No. 5542 of 1999, if such fresh bills have not been issued already pursuant to the said direction.

2. This appeal is filed by the appellant with a submission that the judgment in CWJC No. 5542 of 1999 does not fully cover the situation.

3. Counsel for the Electricity Board submitted that the bills are sought to be raised in view of the direction in the writ petition relating to year 1998-99 pursuant to the

direction of the learned Single Judge and fresh bills have to be issued by the Board in terms of the direction in that judgment. But counsel pointed out that judgment in CWJC No. 5542 of 1999 and the connected cases have not become final and its correctness is pending consideration in an appeal before the Supreme Court and as such the said decision has not been complied with.

4. On going through paragraphs 42 to 44 of the judgment in CWJC No. 5542 of 1999, it is clear that specific directions have been issued by the Division Bench relating to the matter of calculating fuel surcharge. Of course, the finality of the judgment is dependent upon any decision that may be rendered by the Supreme Court in the appeal filed against such judgment, but subject to that, the direction given in CWJC No. 5542 of 1999 has to be followed by the Electricity Board. As per the judgment of the learned Single Judge, it is only directed that fresh bills be issued to the appellant in terms of the judgment in CWJC No. 5542 of 1999, if fresh bills have not been issued in terms of that judgment. In this situation, we are not satisfied that any further directions are called for in this appeal. We do not find any reason to modify the judgment under appeal in any way.

5. In this view of the matter, the appeal is dismissed, subject to the clarification as above.