

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO.467/2024**

ELECTRICITY DEPARTMENT, GOVT.
OF GOA, REP. BY STEPHEN
FERNANDES, THE CHIEF ENGINEER
(ELECTRICAL)

... PETITIONER

Versus

RATNAGIRI GAS AND POWER PVT.
LTD., REP. BY ITS PRINCIPAL OFFICER
AND AUTHORIZED SIGNATORY AND
3 ORS.

... RESPONDENTS

Mr. Devidas Pangam, Advocate General with Mr. S. Priolkar, Additional Government Advocate, Ms. Poonam Verma Sengupta and Ms. Sakshi Kapoor and Mr. A. D. Bhobe with Ms. N. Mayekar, Advocates for the Petitioner.

Mr. Venkatesh Dhond, Senior Advocate (through VC) with Mr. Devendra Bharadwaj, Aashwyn Singh, Mr. Aashutosh Shrivastava and Mr. Prateek Pansare (through VC) for Respondent No. 1.

Mr. S. Karpe, Central Government Standing Counsel for Respondent No. 3 and 4.

**CORAM: M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATE: 2nd JULY 2024

P.C.:

- Heard Mr Devidas Pangam, learned AG for the petitioner and Mr Venkatesh Dhond, learned Senior Advocate for respondent no.1. We do

not refer to the facts in detail considering the fair stance adopted by the learned AG as well as the learned Senior Advocate appearing for the respondent no.1. The matter was argued for some time. In deference to the suggestion of this Court, learned AG on instructions submitted that the petitioner will deposit a sum of Rs.20 crores with the respondent no.1 without prejudice to the rights and contentions in the petition pending before the Central Electricity Regulatory Commission (CERC) under Section 79(1) of the Electricity Act, 2003. Learned AG submitted that a sum of Rs.5 crores will be deposited with the respondent no.1 within a period of ten days from today and the balance amount of Rs.15 crores will be deposited within a period of four weeks thereafter and in any event on or before 12.08.2024. Such deposit will be without prejudice to the rights and contentions of the parties. Such deposit will abide by the final orders passed by the CERC which may include payment of such interest should it consider appropriate. The interim order already in operation shall continue till the disposal of the petition before the CERC. We may not be understood to have expressed any opinion on the merits of the contentions raised in this petition and all contentions are left open to be agitated before the CERC.

2. Learned Senior Advocate for respondent no.1 on instructions fairly submitted that respondent no.1 is satisfied with the aforesaid arrangement in the interregnum.

3. Learned AG as well as the learned Senior Advocate for respondent no.1 jointly request that prayer clause (c) of this petition be allowed. We requested Mr S. Karpe who normally appears for the Central Government to appear in the matter. Mr Karpe submitted that he has no instructions and prayed for some time. However, in the light of the order that we propose to pass on prayer clause (c), it may not be necessary to keep the petition pending for the purpose of enabling Mr Karpe to take instructions. We have therefore requested Mr Karpe to communicate this order to respondent no.4. We have no manner of doubt that the Central Government is conscious of the need to make the appointment at the earliest having regard to the object for which the CERC is established. We hope and trust that the Central Government will take expeditious steps in this direction in the matter of appointment of Member (Law) of the CERC in terms of Section 78 of Electricity Act, 2003. As and when the petition is taken up for hearing, the same be heard and decided expeditiously on its own merits and in accordance with law.

4. The petition is disposed of without any order for costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.