

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-03-2015

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI

AND

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

WRIT APPEAL No.191 of 2015

and

M.P.No.1 of 2015

1.The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai, Chennai 600 002

2.The Director (Distribution)
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai, Chennai 600 002 ..Appellants/ Respondents

vs

Tuticorin Spinning Mills Ltd.,
Rep. By its Director G.Vettivel
106, Palayamkottai Road
Tuticorin District 628 008 ... Respondent / Petitioner

Writ appeal preferred under Clause 15 of the Letters Patent against the order dated 11.12.2014, made in W.P.No.28891 of 2014.

Writ petition filed under Article 226 of the Constitution of India for a writ of mandamus to direct the respondents to forthwith provide uninterrupted power supply to the petitioner mill in HTSC No.34 to the exception of scheduled load shedding.

For Appellants : Mr.P.Gunaraj

For Respondent : Mr.K.Shakespeare

JUDGMENT

(Judgment of the Court was delivered by
SATISH K.AGNIHOTRI, J.)

The appellants had questioned the legality and validity of the order dated 11.12.2014, passed in W.P.No.28891 of 2014, on the ground that uninterrupted power supply to the mill in question is not feasible as there is scheduled load shedding and also some times grid failure and other breakdown and contingency. The appellants further plead that the direction to maintain uninterrupted power supply to the exception of scheduled load shedding may be difficult to be complied with in case of aforesaid events.

2.Learned Counsel appearing for the writ petitioner/respondent herein would submit that the grievance is one of non-supply or uninterrupted supply of electricity in the normal course and in case of contingency or scheduled load shedding, the writ petitioner has no objection.

3.In view of the foregoing, we clarify that the impugned order passed by the learned Single Judge shall be maintained except in case of scheduled load shedding and any contingency areas like grid failure, overloading, etc.

4.The writ appeal accordingly, stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nsv

To:

1.The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai, Chennai 600 002

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2.The Director (Distribution)
Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai, Chennai 600 002

1 cc to mr.P. Gunaraj, Advocate, Sr. 12468
3 cc to Mrs.E. Shenbagavalli, Advocate, sR 12372

W.A.No.191 of 2015

SR (CO)
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