

In the High Court of Judicature at Madras

Dated: 02.09.2015

Coram:

**The Honourable Mr. Justice SATISH K. AGNIHOTRI
AND
The Honourable Mr. Justice K.K. SASIDHARAN**

Contempt Petition No.1268 of 2015

Mountain Spinning Mills Limited
Rep. by its Managing Director, G, Vettivel
97/1-A, Kottudankadu
Mangalagiri Post
Tuticorin District-628 103. ..Petitioner

Vs

1. Dr. M. Sasikumar, I.A.S.
The Chairman and Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited
No.144, Anna Salai
Chennai-600 002.

2. Thiru P. Annadurai
The Director (Distribution)
Tamil Nadu Generation and Distribution
Corporation Limited
No.144, Anna Salai
Chennai-600 002. ..Respondents

Prayer:- Contempt petition filed under Section 11 of the Contempt of Courts Act 1971 to punish the respondent for wilful disobedience of the order of this Court dated 5 March 2015 in W.A.No.190 of 2015.

For petitioner : Mr.K. Shakespeare
For Respondents : Mr.P.H. Aravindh Pandian
Addl. Advocate General
Assisted by Mr.P. Gunaraj

O R D E R

The petitioner seeks initiation of contempt proceedings against the respondents alleging disobedience of the order dated 5 March 2015 in W.A.No.190 of 2015.

2. The petitioner filed a writ petition in W.P.No.28890 of 2014 to direct the respondents to provide uninterrupted power supply to its Mill. The writ petition was allowed by the learned Single Judge by order dated 11 December 2014. The respondents filed intra court appeal in W.A.No.190 of 2015 before this Court assailing the order passed by the learned Single Judge. The Division Bench was pleased to modify the order by judgment dated 05 March 2015. The Division Bench clarified the order of the learned Single Judge and observed that the respondents shall maintain uninterrupted power supply except in case of scheduled load shedding and similar contingency.

3. The petitioner alleging that the respondents have not provided uninterrupted supply in spite of the direction given by the Division Bench has come up with this contempt petition.

4. The counter affidavit filed by the first respondent clearly indicates the steps taken by the Tamil Nadu Generation and Distribution Corporation Limited to comply with the direction given by this Court.

5. The order passed by the learned Single Judge was modified and a rider was provided to the effect that the question of supplying power uninterruptedly would arise only in case there is no load shedding or other contingencies like grid failure, overloading etc. The first

respondent has explained the action taken by the authorities to comply with the direction issued by this Court. We do not find any act of disobedience on the part of the respondents so as to give a cause of action to the petitioner to initiate the proceedings for contempt.

6. In the upshot, we dismiss the contempt petition.
No costs.

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/06/10/2015

One CC to Mr.P.Gunaraj, Advocate Sr.No.11375
One Cc to Mr.K.Shakespeare, Advocate Sr.No.11399

WEB COPY