



In the High Court of Judicature at Madras

Dated: 04.08.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S. SIVAGNANAM

Original Side Appeal No. 21 of 2015

M/s. Kaveri Gas Power Limited
5/3, Ranganathan Garden
Anna Nagar, Chennai.

.. Appellant

vs.

1. M/s. Sree Kaderi Ambal Mills Limited
rep. by its Managing Director
S.V.Pethaperumal
Regd. Office Super B-3
Industrial Estate, Madurai 625007.
2. M/s. Agni Steels Pvt. Limited
No.2, Mohan Kumaramangalam Street
Surampatti, Erode - 638 058.
3. M/s. Madura Coats Pvt. Ltd.
New Jail Road
Madurai 625 101.
4. M/s. Shri Ramalinga Mills Limited
No. 212, Ramasamy Nagar
Arupukottai - 626 101.
5. M/s. Sree Jeya Soundharam Textiles
Mills (P) Limited, No.212, Ramasamy Nagar
Arupumkottai - 626 101.
6. Arupukottai Shri Ramalinga Spinners Pvt. Ltd.
No.212, Ramasamy Nagar
Arupumkottai - 626 101.
7. M/s. Tamil Nadu Jaibharath Mills Limited
No.212, Ramasamy Nagar
Arupumkottai - 626 101.
8. The Chairman
Tamilnadu Electricity Board
800, Anna Salai, Chennai 600 002.



9. The Member Generation
Tamilnadu Electricity Board
800, Anna Salai, Chennai 600 002.

.. Respondents

Prayer: Original Side Appeals filed under Order 36, Rule 1 of Original Side Rules read with Clause 15 of the Letters Patent, to set aside the order and decree dated 10.10.2014 passed by the learned Single Judge, in Application No. 3823 of 2014 in C.S. No.906 of 2008 on the file of this Court.

For Appellant : Mr. R. Yashod Vardhan, Sr. Counsel
for Mr. Vinod Kumar
For Respondents : Mrs. Chitra Sampath, Sr. Counsel
for Mr.T.S.Baskaran for R1
Mr. V. Viswanathan for R8 & R9
No Appearance for R2 to R7.

JUDGMENT

(Delivered by The Hon'ble The Chief Justice)

We have passed the following order yesterday:

"Learned Counsel appearing for the first respondent, on instructions from the counsel on record and the first respondent, Mr.S.V.Pethaperumal, Managing Director, present in Court, states that as an interim measure in the suit, the said respondent is willing to pay at the TNEB rate, subject to the condition that there is no other liability affixed on him on account of any action or inaction of the appellant. This is acceptable to the learned senior counsel for the appellant, on instructions from the counsel on record and the appellant, Mr.Elangovan, Managing Director, present in Court.

2. The two parties to file their affidavits accordingly.

3. It is also prayed that the trial in the suit be expedited, for which they will co-operate before the learned Single Judge and the learned Master.

4. List for directions on 04.08.2015."

2. Affidavits have been filed by both sides. We clarify that what we have already directed vide our order dated 03.08.2015 is that instead of the first respondent paying at 0.45 paise less than TNEB rate, the first respondent will pay at TNEB rate, the other process



of billing being the same, but subject to the condition that there is no other liability affixed on the first respondent on account of any action and inaction of the appellant.

3. We may note that the counsel for the parties have agreed to expedite the trial of the suit, as the matter really pertains to interpretation of the contract and there would be very limited oral testimony, if any, on this aspect other than the issue of damages.

4. The appeal accordingly stands disposed of with liberty to move in case of difficulty which we hope never arise. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ATR

To

1. The Sub.Asst. Registrar,
Original Side Section, High Court, Madras.

+1cc to Mr.T.S. Baskaran, Advocate, S.R.No.40188
+1cc to Mr.V. Viswanathan, Advocate, S.R.No.40268

KM(CO)
EU(18/08/2015)

O.S.A. No. 21 of 2015