

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.30659 of 2015
and M.P.No.1 of 2015

SEW Infrastructure Ltd.,
rep by its Associate Vice President
Lakshmi Narayana Jasti
603-871, Snehalata, Greenlands Road,
Begumpet,
Hyderabad - 500 016,
Telangana. Petitioner

-Vs-

- 1.The Tamil Nadu Transmission Corporation Ltd.,
rep by its Chairman/Managing Director,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer/Transmission,
The Tamil Nadu Transmission Corporation Ltd.,
6th Floor, Western Wing,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 26.09.2015 well before the 2nd respondent passes any order on the Show Cause Notice issued by him dated 11.09.2015 bearing Lr.No. CE/TR/SE/C-II/TR/EE/C/TR/AEE/C/TR/F.T-1803/D.412/15.

For Petitioner : Mr.C.T.Prabhakar
For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

Having prima facie found that the petitioner has acted contrary to the terms of the agreement, the respondent no.2 issued a show cause notice in letter dated 11.09.2015. The petitioner has given its reply on 22.09.2015. Thereafter, a representation was

also given to the respondent no.1 raising certain issues. Now, seeking a direction to the respondent no.1 to pass appropriate orders on the subsequent representation dated 26.09.2015, the present Writ Petition has been filed.

2.This Court is not inclined to consider the prayer sought for. It is not in dispute that the respondent no.2 is the competent authority to issue show cause notice. The petitioner has also approached the jurisdictional authority viz., the respondent no.2 by giving a reply. There is nothing to indicate on record that the proposed action is initiated at the instance of the respondent no.1. Therefore, as a matter of right, the petitioner cannot seek a direction against the respondent no.1 when further proceedings are pending consideration of the respondent no.2.

3.Accordingly, the Writ Petition is disposed of by directing the respondent no.2 to pass appropriate final orders on the reply, pursuant to the issuance of the show cause notice dated 11.09.2015 by taking into consideration the reply of the petitioner dated 22.09.2015, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that pending final decision by the respondent no.2, the Performance Guarantees of the petitioner shall not be invoked. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

va

To

1.The Chairman/Managing Director,
Tamil Nadu Transmission Corporation Ltd.,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer/Transmission,
The Tamil Nadu Transmission Corporation Ltd.,
6th Floor, Western Wing,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

1 cc to Mr. C.T.Prabhakar, Advocate Sr.No.52654

1 cc to Mr.P.Gunaraj , Advocate Sr.No.52653

W.P.No.30659 of 2015
and M.P.No.1 of 2015

kgk(co)pmk.5.10.2015