

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 21166 of 2013

&

M.P. Nos. 1 & 2 of 2013

1. Indian Wind Power Association,
rep. by its Secretary General,
Door No.E, 6th Floor,
Shakti Towers - II,
766, Anna Salai,
Chennai - 600 002.
2. Brilliant Bio Pharma Limited,
No.6 - 2- 1012, 3rd Floor,
TGV Mansion,
Opp: Institute & Engineers,
Khairtabad, Hyderabad - 500 004.
3. Precot Meridian Limited,
P.B. No. 7167, No. 737,
Green Fields,
Puliakulam Road,
Coimbatore - 641 045.
4. Pioneer Jellice India Private Limited,
Formerly Pioneer Miyagi
Chemical P. Ltd.,
23, Vallabhai Road, Chokkikulam,
Madurai - 625 002.
5. The Andhra Sugars Limited,
Flat No: 1B, First Floor,
Subhodaya Apartments,
Boggulakunta, Hyderabad - 500 001.
6. Natesan Synchrocones Private Limited,
Pauwells Road, St. Thomas Mount,
Chennai - 16.

7. Natesan Precision Components Private Limited,
Triveni Apartments,
No.6, 1st Cross Street,
Kasturbai Nagar,
Adyar, Chennai 600 020.
8. M/s. Tamil Nadu Gears and Shafts Corporation,
Triveni Apartments,
No.6, 1st Cross Street,
Kasturbai Nagar,
Adyar, Chennai - 600 020.
9. BRT Spinners Private Limited,
Sf. 336 Pullakkadu Thottam,
Kombakkadupudur,
Ichipatti (PO),
Somanur (Via) - 641 668
Coimbatore District.

...Petitioners

Vs.

1. Union of India,
rep. by Secretary to the Government,
Ministry of new and Renewable Energy,
Block No. 14, CGO Complex,
Lodi Road, New Delhi - 110 003.
2. State of Tamil Nadu,
rep. by the Secretary to the Government,
Energy Department,
Fort St. George,
Chennai - 600 009.
3. Central Electricity Regulatory Commission,
3rd and 4th Floor, Chanderlok Building,
36, Janpath, New Delhi - 110 001.
4. Tamil Nadu Electricity Regulatory Commission,
through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

5. Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai - 600 002.
6. Power System Operation Corporation Limited,
29, Race Course Cross Road,
Bangalore - 560 009.
7. National Loan Despatch Centre (NLDC),
rep. by its Chief Executive Officer at
B.9, QUTAB Institutional Area,
Katwaria Saria, New Delhi - 110 006.

(R7 suo motu impleaded as per
order dated 01.08.2013 by DHPJ
in W.P. No. 21166 of 2013)

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Declaration declaring Regulation 6.5.23(i) and Para 5 & 9 of complimentary Commercial Mechanism contained in Annexure I of the Central Electricity Regulatory Commission (Indian Electricity Grid) Regulations, 2010 as unconstitutional being violative of Articles 14 and 19(1)(g) of the Constitution of India and/or ultra vires to the objects and provisions of the Electricity Act, 2003 and consequently declare that National Load Despatch Centre, POSOCO has no authority in law to frame "Procedure for implementation of the Mechanism of Renewable Regulatory Fund" as it has no regulation making power and subdelegation to it by CERC of its functions to make regulations is bad in law and quash the said procedure framed by National Load Despatch Centre.

For Petitioners : Mr.Rahul Balaji

For Respondents : Mr.M. Aravind Kumar for R1

Mrs.M.E. Rani Selvam for R2

Mr.T. Mohan for R3

Mr.Abdul Saleem for R4

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O R D E R

Learned counsel for the petitioners seeks permission of this Court to withdraw the writ petition and he has also made an endorsement to that effect. Accordingly, the writ petition is dismissed as withdrawn. No costs. Connected M.Ps are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to the Government,
Ministry of new and Renewable Energy,
Block No. 14, CGO Complex,
Lodi Road, New Delhi - 110 003.
2. State of Tamil Nadu,
rep. by the Secretary to the Government,
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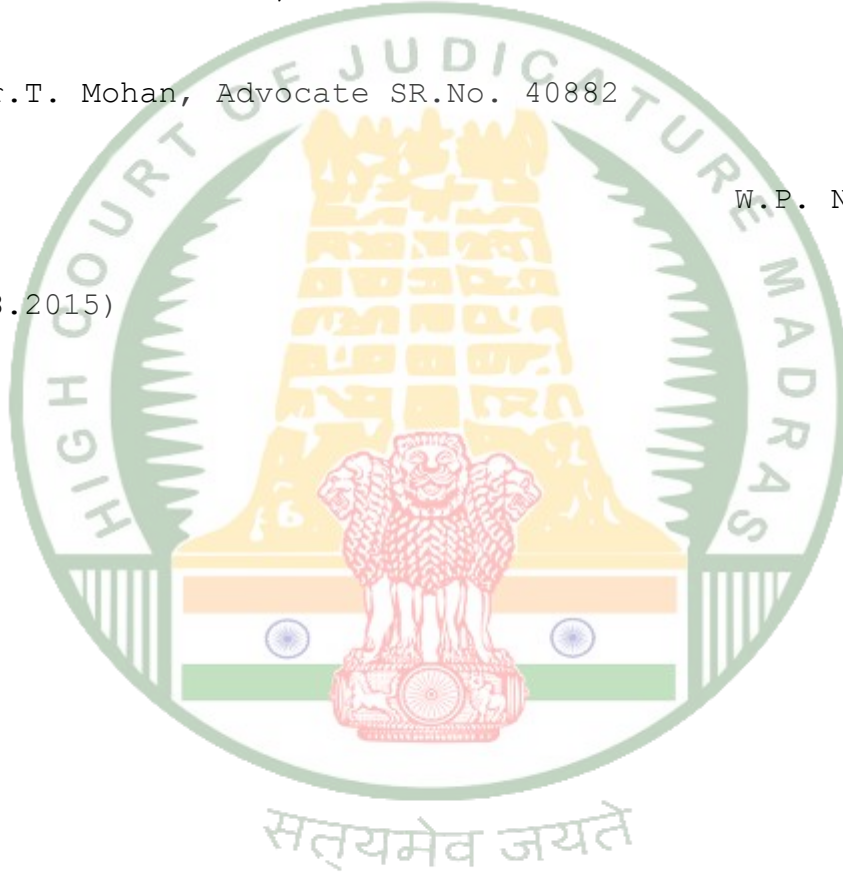
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1 CC to Satish Parasaran, Advocate SR.No. 40787

1 CC to Mr.T. Mohan, Advocate SR.No. 40882

W.P. No. 21166 of 2013

EV (CO)
PSI (20.08.2015)



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