

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.08.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.23391 of 2014

Techsun Energies and Engineering Services Pvt Ltd.,
Plot No.171, 2nd Cross, 4th Street,
Ram (A) Rahamath Nagar,
Tuticorin 628 002. ... Petitioner

Versus

1. The Chief Engineer and Director Grievances
Central Electricity Authority,
6th Floor, Sewa Bhawan,
R.K.Puram, New Delhi 110 066.

2.The Secretary,
Central Electricity Authority
2nd Floor, Sewa Bhawan,
R.K.Puram New Delhi 110 066.

3.Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
represented by its Chairman and Managing Director,
144, Anna Salai, Chennai 600 002. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to direct the respondents 1 and 2 to dispose of the petitioner's complaint dated 30.06.2014 in a time bound manner and direct the 3rd respondent to invite, finalise or award any further contracts/tenders for power generation projects strictly in terms of the recommendations in that regard by the 1st respondent and in strict compliance with the recommendations of the Comptroller and Auditor General, viz., 'Report of the Comptroller and Auditor General of India on Public Sector Undertakings' for the year ended 31.03.2013 pertaining to the implementation of projects, including by imposition of contractually stipulated penalties and damages under the respective contracts for projects that have been completed and

constitution of a dedicated project monitoring team to oversee compliance with the timelines in respect of all future projects.

For Petitioner ::: Mr.Rahul Balaji
for Mr. Satish Parasaran
For Respondents::: Mr. V.Balasubramanian for R.1 and R.2
Mr.S.K.Rameshuwar for R.3

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

This petition was filed as an individual petition, but the learned single Judge, however, opined that there is an element of public interest.

2. We have heard the learned counsel for the petitioner.

3. Firstly, we do not find really any larger public interest. Secondly, assuming to be an individual petition, the petitioner wants the court to control the manner in which TANGEDCO should run its affairs. The petitioner bid tenders for TANGEDCO succeeding in some and failing in others. There are some audit comments made by the Comptroller and Auditor General of India, which could naturally be taken into account by the TANGEDCO. The matter falls purely within the policy domain and internal works of TANGEDCO and thus, we find that the petitioner cannot claim any right in respect of the same.

4. There is no violation of any law pointed out for the Court to issue a direction.

5. The writ petition is thus dismissed, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

1 cc to Mr.S.K.Rameshuwar, Advocate, sr.47037
1 cc to Mr.V.Balasubramanian, Advocate, sr.47134
1 cc to M/s.Satish Parasaran, Advocate, sr.47602

W.P.No.23391 of 2014

skv co, kra 02.09.2016