

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 23582 of 2015

&

M.P. Nos. 1 to 3 of 2015

MALCO Energy Limited rep. by its

Authorised Signatory,

Mr. Satyapriya,

Assistant General Manager - Legal,

P.O. Box No.4, Mettur Dam,

Salem - 636 402.

..Petitioner

Vs.

1. State Load Despatch Centre (SLDC),
rep. by its Director - Operations,
144, Anna Salai,
Chennai 600 002.

2. Tamil Nadu Transmission Corporation
Limited (TANTRANSCO),
rep. by its Chairman,
144, Anna Salai,
Chennai 600 002.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents from issuing back down instructions to the petitioner without restricting such backing down to the minimum threshold limits as directed by the APTEL in its order dated 30.06.2014 in Appeal No. 327 of 2013 and reiterated by the TNERC in its order dated 01.07.2015 in M.P. No. 14 of 2012.

For Petitioner :: Mr.Vinod Kumar

For Respondents:: Mr.Abdul Saleem

O R D E R

The petitioner is a coal based power plant in Mettur and they have been generating and supplying power to Tamil Nadu Generation and Distribution Corporation Limited ('TANGEDCO'). By virtue of G.O.Ms. No. 77 Energy (A1) Department dated 10.10.2014, a restriction was imposed upon electricity generators prohibiting

them from selling energy outside the State. Therefore, writ petitions were filed before this Court seeking a mandamus forbearing the respondents therein from issuing backdown instructions to the petitioners therein.

2. Today, when the matter is taken up for hearing, Mr. Abdul Saleem, learned counsel for the respondents has produced G.O.Ms. No. 41 Energy (A1) Department dated 31.05.2016 by which the earlier Government Order, namely, G.O.Ms. No. 77 dated 10.10.2014 has been rescinded and that the present G.O. would be in force till the end of September, 2016 and thereafter, the power position will be reviewed for further necessary action.

3. In view of the above submission made by the learned counsel for the respondents, as the restriction imposed by the earlier Government Order, namely, G.O.Ms. No.77 dated 10.10.2014 is no longer available, there is no necessity for passing any further orders in this writ petition. However, it is made clear that if any action is taken by the respondents, in future, prejudicing the rights of the petitioner, then it is open to the petitioner to approach this Court.

4. The writ petition is disposed of with the above observation. No costs. Connected M.Ps are closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

nv

To

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2. Tamil Nadu Transmission Corporation
Limited (TANTRANSCO),
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1 cc to M/s. Abdul saleem, Advocate, Sr. 30592

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