

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WP.NOS.28442 Of 2013 & 25788 of 2015
MP.Nos.1 to 4 of 2013 and 1 of 2015

OPG Power Generation Private Limited
Unit 2 & 3, 6 Sardar Patel Road,
Guindy, Chennai - 600 032. ... Petitioner in W.P.No.28442/2015

OPG Power Generation Private Limited.,
Rep by its DGM-Legal, Mr.K.Venugopal Unit 4,
6 Sardar Patel Road,
Guindy, Chennai 600 032. ...Petitioner in W.P.No.25788/2015

-Vs-

1. Tamil Nadu Generation and Distribution Corporation Limited
Rep.by its Chairman,
NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.
2. The Chief finance Controller/Revenue TANGEDCO (Accounts Branch),
144, Anna Salai, Chennai-600 002.
3. The Director (Finance)
TANGEDCO,
144, Anna Salai, Chennai-600 002.
4. The Superintending Engineer,
CEDC/North, Chennai-600 002.
5. Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai- 600 008. ... Respondents in both WPs

Prayer in W.P.No.28442 of 2013

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus or any other Writ or order or direction in the nature of Writ of certiorarified mandamus calling for the records of the Second Respondent in the impugned instruction in Letter No.CFC/FC/DFC/AAO.HT/AS.3/D.NO.126/13 dated 7.9.2013 and all

consequential letters including the fourth respondents Lr.No.SE/CEDC/N/AEE/Rev/AE/D2/F CPP/D/438/13 dated 25.09.2013 in respect of billing start-up power under a two part tariff system and quash the same and to consequently direct the respondents herein to forbear from demanding and collecting start up power charges in respect of petitioners Unit 2 & 3 so long as they avail of stat-up only from their own Unit 1.

Prayer in W.P.No.25788 of 2015:-

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus or any other Writ or order or direction in the nature of Writ of mandamus forbearing the 4th respondent, their men, agents, servants subordinates or any other person or persons claiming through them or authorized by them from in any manner demanding or collecting start-up power charges in respect of the petitioner's Unit IV being the 1x160 MV Coal Based power plant, as it uses its own mode of generation for the start up power requirement of its generators.

For Petitioner : Mr.Madhan Babu
in both WPs
For Respondents : Mr.P.R.Dhilip Kumar
in both WPs

COMMON ORDER

The learned counsel for the petitioner has addressed a letter to the Registry dated 19.09.2016 seeking permission of this Court to withdraw this petition and has also made an endorsement to that effect.

2. In view of the letter and endorsement made by the learned counsel for the petitioner, both these petitions are dismissed as withdrawn. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

+2cc to M/S.Sathish Prasanan, Advocate Sr.54895, 54894

WP.NOS.28442 Of 2013 &
25788 of 2015

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srg 29/09/2016