

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.38923 of 2016

Sai Tech Enterprises
Rep by Proprietrix P.Amudha Lakshmi
No.1, 8th Street,
Ulaganathapuram,
Ennore,
Chennai-600 057

...Petitioner

Vs

1 The Chairman
Tamil Nadu Generation
and Distribution
Corporation Ltd.
No.800 Anna Salai
Chennai - 600 002.

2 The Chief Engineer / Civil Designs
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDC)
No.144, Anna Salai
Chennai 600 002.

***3 The Chief Engineer
North Chennai Thermal Power Station
Athipattu, Tiruvallur Distrit**

..Respondents

PRAYER : Writ petition filed under Article 226 of the
Constitution of India for issue of writ of mandamus directing
the 2nd Respondent to permit the petitioner to lift ash from the
Ennore Thermal Power Station without insisting any conditions.

For Petitioner : Mr.Velmurugan

For Respondents: Mr.S.K.Raameshuwar

O R D E R

The petitioner has come before this Court seeking writ
of mandamus directing the 2nd Respondent to permit the petitioner
to lift ash from the Ennore Thermal Power Station without
insisting any conditions.

2. When the matter is taken up for hearing, it is brought to the notice of this court that, in similar circumstances, this Court, in WP No.23778 of 2016, by order dated 13.07.2016 which was subsequently followed in WP No.30373 of 2016 dated 31.08.2016, given a direction to the second respondent to permit the petitioner to lift the ash from the Ennore Thermal Power Station.

3. Though Mr.S.K.Raameshuwar, learned standing counsel appearing for the respondents would object that the petitioner company is not being run for almost one year, Mr.Velmurugan, learned counsel appearing for the petitioner would submit that because of non-supply of fly ash, the manufacturing activities could not be continued. He has also filed a memo of undertaking signed by the petitioner stating that on allotment of fly ash by the respondents, they shall continue to manufacture fly ash products.

4. In the light of the above order passed by this Court in WP No.30373 of 2016 dated 31.08.2016, this writ petition is also allowed on the same lines, as hereunder :

"There shall be a direction to the respondents, especially, the second respondent to permit the petitioner to lift the fly ash from "North Chennai Thermal Power Station II (NCTPS II). However, this order will not prevent the respondents from verifying the purpose for which the fly ash is being used and if it is not used for the admitted purpose, it is always open to the respondents to take appropriate proceedings/action."

No costs.

Sd/-

Assistant Registrar(CS II)

Dated: 14.11.2016

*Corrected as per order dated 11.1.2017 and made in W.M.P.36224, 36225/16 in W.P.No.38922 and 38923/16

Sd/

Assistant Registrar (CCC)

Dated: 19.1.2017

//True Copy//

Sub Assistant Registrar

rgr

TO

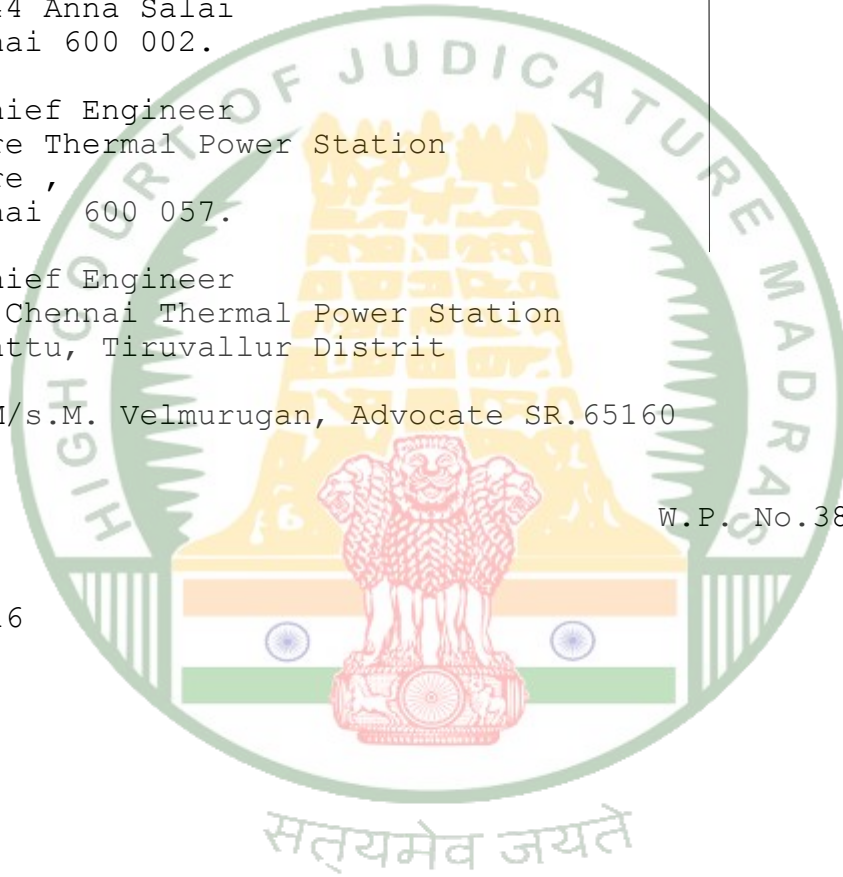
- 1 The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd.
No.800 Anna Salai
Chennai - 600 002.
 - 2 The Chief Engineer / Civil Designs
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDC)
No.144 Anna Salai
Chennai 600 002.
 - 3 The Chief Engineer
Ennore Thermal Power Station
Ennore ,
Chennai 600 057.
 4. The Chief Engineer
North Chennai Thermal Power Station
Ashipattu, Tiruvallur Distrit
- +1 cc to M/s.M. Velmurugan, Advocate SR.65160

To be substituted
to the order
already
despatched on
16.11.2016

SAI (CO)
EU 15.11.16

kk 19/1

W.P. No.38923 of 2016



WEB COPY