

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.839 of 2017

Tvl. Surya & CO

Represented by its Proprietrix,

J.Nirmala,

No.3/368, Anna Nagar,

Vanavasi (PO),

Mettur (TK),

Salem - 636 457.

... Petitioner

vs.

1. The Chief Engineer

Civil Design,

Tamil Nadu Electricity Board,

Anna Salai,

Chennai - 600 002.

2. The Chief Engineer

Mettur Thermal Power Plant,

Mettur Dam,

Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the first and second respondents to effect supply of fly ash as requested vide representations, dated 15.09.2015, 29.09.2015 and 09.11.2015.

For petitioner : Mr.R.Senniappan

For respondents : Mr.S.K.Raameshwar
for R1 and R2

ORDER

Tvl. Surya & Co., represented by its Proprietrix, J.Nirmala is a manufacturer of fly ash bricks having factory at No.4/262/2, Veerakkal Post, Nangavalli, Mettur Taluk, Salem District. They have also claimed to have obtained SSI Certificate and certificate obtained from Pollution Control

Board at Salem and also registered as a dealer under the Tamil Nadu Value Added Tax Act, 2006 for manufacturing end product namely fly ash bricks. As fly ash is a raw material for manufacturing bricks, the petitioner has to apply and obtain fly ash from the second respondent, who supplies the said raw material to the SSI units.

2. Since 20% of the fly ash can be supplied by the respondents free of cost basis and the rest of the 80% will be supplied on cost basis, the petitioner has applied for fly ash for free quota as well as on cost basis also by quoting the higher value.

3. Although the petitioner was informed that his application will be shortly considered for supply of free quota as well as fly ash on cost basis, till date no reply has come to the petitioner. Therefore, after waiting for long time, he has come to this Court seeking a writ directing the respondents to consider his application on merits.

4. Mr.S.K.Raameshwar, learned standing counsel appearing for the respondents taking notice would submit that the application filed by the petitioner will be considered on merits within a period of four weeks.

5. But this Court considering the fact that the petitioner's applications are pending for a long time from 15.09.2015, 29.09.2015 and 09.11.2015, the respondents are hereby directed to consider the same on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

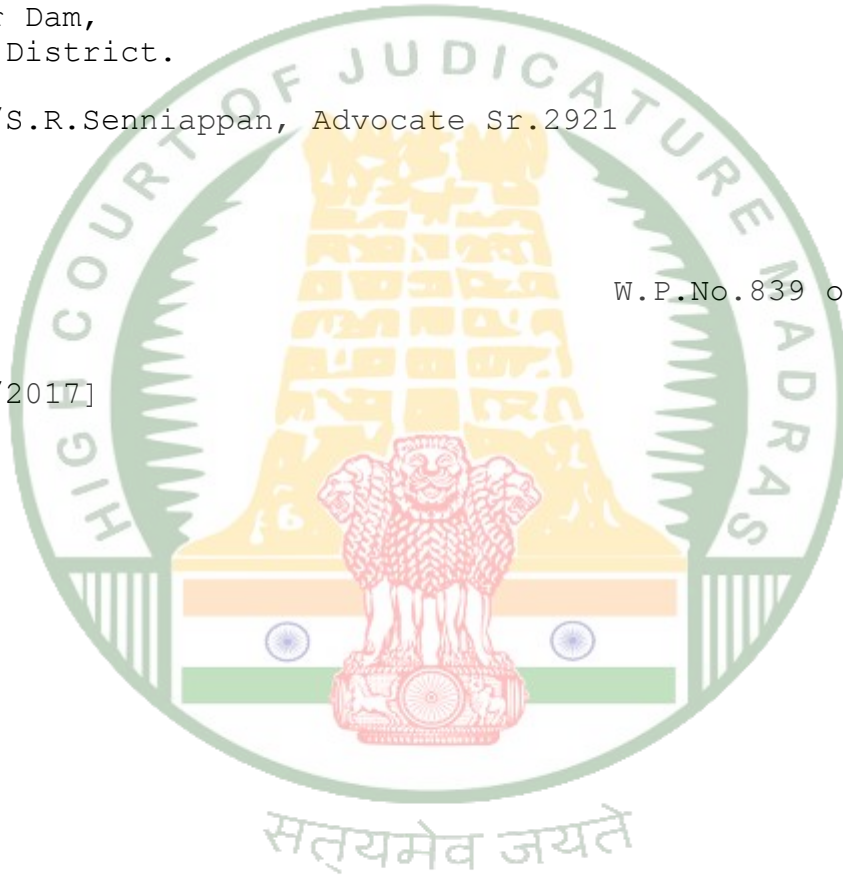
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Civil Design,
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+1cc to M/S.R.Senniappan, Advocate Sr.2921

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srg[12/01/2017]



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