

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM

The Honourable MR. JUSTICE M.DURAISWAMY

W.P.No.22510 of 2017
and W.M.P.No.23617 of 2017

Indian Wind Power Association
rep. By its Secretary General
Door No.E, 6th Floor,
Shakti Towers - II,
766, Anna Salai
Chennai 600 002

...Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation Limited, rep. By its Chairman
144, Anna Salai, Chennai 600 002.
2. Tamil Nadu Electricity Regulatory Commission,
rep.by its Secretary,
No.19A, Rukmini Lakshminpathy Salai,
Egmore, Chennai 600 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st and 2nd respondents to implement the order of the Hon'ble Supreme Court of India dated 02.05.2017 in Civil Appeal Nos.1471-1472 of 2008 and 1361-1362 of 2008 and APTEL in Appeal Nos.205 and 235 of 2006 dated 18.12.2007, within a time bound manner and ensure that the benefits arising out of such directions are immediately made available to the beneficiaries and consequently direct the respondents to make the payments in accordance with the tariff determined upon implementation of the aforementioned orders along with Compounded interest annually.

For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.M.Venkatakkrishnan, SC (R2)
Mr.S.K.Rameshuwar, SC (R1)

ORDER

Mr.S.K.Rameshuwar, learned Standing Counsel takes notice for the 1st respondent and Mr.M.Venkatakkrishnan, learned Standing Counsel takes notice for the 2nd respondent and by consent and main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to implement the order of the Hon'ble Supreme Court of India dated 02.05.2017 in Civil Appeal Nos.1471-1472 of 2008 and 1361-1362 of 2008 and APTEL in Appeal Nos.205 and 235 of 2006 dated 18.12.2007, within a time bound manner and ensure that the benefits arising out of such directions are immediately made available to the beneficiaries and consequently direct the respondents to make the payments in accordance with the tariff determined upon implementation of the aforementioned orders along with Compounded interest annually.

3. The learned counsel appearing for the petitioner submitted that the appeals are listed for hearing on 29.08.2017 and therefore, it would be suffice to direct the 2nd respondent to dispose of the appeals within a time frame, in accordance with law, implementing the order of the Hon'ble Supreme Court of India.

4. Mr.S.K.Rameshuwar, learned Standing Counsel and Mr.M.Venkatakrishnan, learned Standing Counsel, appearing for respondents 1 and 2 submitted that the 2nd respondent may be directed to dispose of the appeals within a time frame, in accordance with law.

5. In view of the submissions made by the learned counsel on either side, taking into consideration the order passed by the Hon'ble Supreme Court of India dated 02.05.2017, the 2nd respondent is directed to dispose of appeals, within a period of two months from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

सत्यमेव जयते
-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

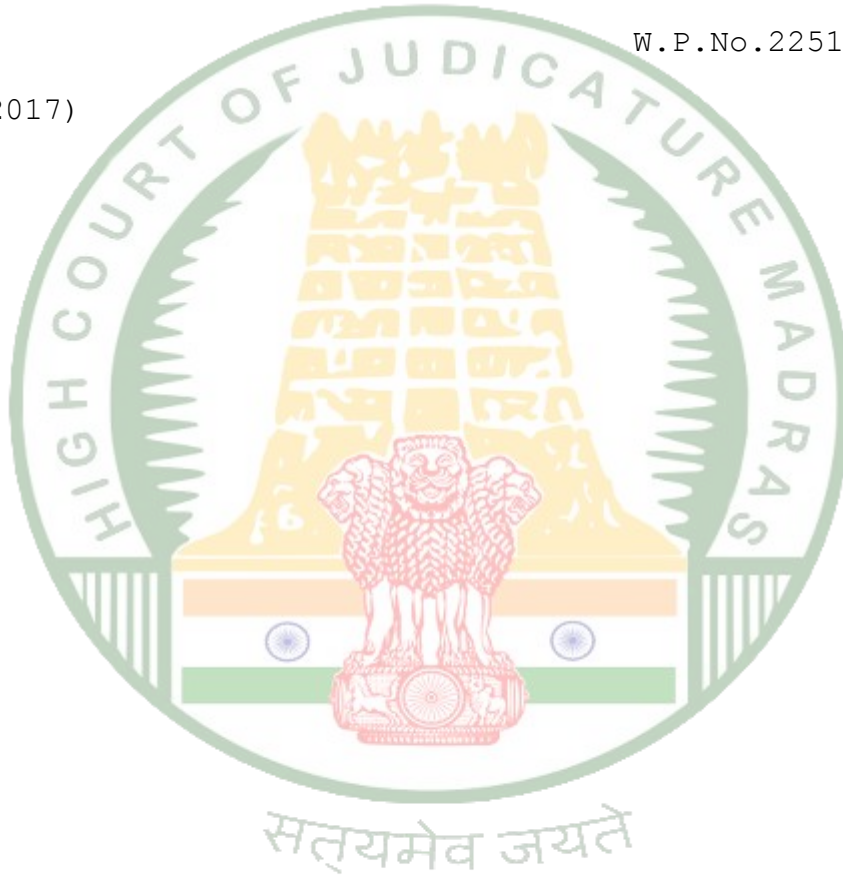
1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai 600 002.

2. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai 600 008.

+1 Cc to Mr. Sathish Parasaran, advocate sr 60761
+1 CC to Mr.S.K. Rameshuwar, Advocate sr 60645.

W.P.No.22510 of 2017

SP(04/09/2017)



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