

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.2.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.Nos.2961 of 2002 and 12222 of 2003

M/s.Hinduja Foundries Limited
(formerly known as Ennore Foundries Ltd.,)
Kathivakkam High Road,
Ennore
Chennai 57
rep.by M.D.Shri Markus Wermers

(Cause title amended
as per order dated 28.1.2016
in WMP No.2362/2016 in W.P.No.2961/2002 and
dated 17.2.2016
in WMP No.4951/2016 in W.P.No.12222/2003)

.. Petitioner in both W.Ps.

vs.

1. The Secretary
Ministry for Power
Govt.of Tamil Nadu
Fort St.George
Chennai 600 009 ..1st Respondent in W.P.2961/2002 and

2. Tamil Nadu Electricity Board
rep.by its Chairman
800,Anna Salai,
Chennai 2

..2nd Respondent in WP.2961/2002 and
1st Respondent in W.P.12222/2003.

3.The Secretary, TamilNadu
Electricity Regulatory Commission, 17,Third Main Road,
Seethammal Colony,
Alwarpet, Chennai-6000018...2nd Respondent in WP.12222/2003

Prayer in W.P.No.2961 of 2002: Petition filed under Article 226 of the Constitution of India, praying for a writ of certiorari to call for the records and quash Item (e) High Tension Industries under Tariff I-A having Arc Furnaces, the consumption of electrical energy will be charged at 25% extra to that of High Tension Tariff I-A" in G.O.Ms.No.95, Energy (A2)

of 28.11.2001 issued by the 1st respondent published in Tamil Nadu Government Gazette dated 28.11.2001.

Prayer in W.P.No.12222 of 2003: Petition filed under Article 226 of the Constitution of India, praying for a writ of certiorari to call for the records pertaining to the order of the 2nd respondent dated 15.3.2003 and quash clause 7.13 thereof.

For petitioner in
both W.Ps.

: Mr.V.Bhiman
for M/s.Sampathkumar & Associates

For respondents
in both W.Ps.

: Mr.B.Sekar for R1 in WP.12222/2003

Mr.C.Mani Shankar
Additional Advocate General

Assisted by Mr.P.R.Dhilip Kumar for R2
in both W.Ps

Mr.S.Diwakar, A.G.P.for R1 in
WP.2961/2002

COMMON ORDER

These writ petitions were filed by M/s.Ennore Foundries Limited, challenging the Electricity Tariff Revision at 25% extra and that was levied on the petitioner by the Tamil Nadu Electricity Board on the strength of G.O.Ms.No.95 dated 28.11.2001.

2. It is brought to the notice of this Court that constitutional validity of G.O.Ms.No.95 dated 28.11.2001 was upheld by a Division Bench of this Court in W.P.Nos.23807, 25219, and 25220 of 2001 on 14.6.2002.

3. During the pendency of these writ petitions, Ennore Foundries Limited became Hinduja Foundries Limited and by an order dated 28.1.2016, this Court has allowed the amendment of the name of the petitioner. At the time of transition of Ennore Foundries Limited to Hinduja Foundries Limited, the latter appears to have given the following undertaking:

"The consumer M/s.Ennore Foundries Ltd., agrees to abide by the High Court Order if the cases W.P.Nos.2961 of 2002 and 12222 of 2003 and CMA No.2485/2003 are disposed in favour of T.N.E.B."

4. When the matter came up for hearing today, Mr.V.Bhiman, learned counsel appearing for the petitioner submitted that in view of the Division Bench judgment referred to above, these

writ petitions have become infructuous and therefore sought permission of this Court to withdraw.

5. In view of the aforesaid developments, these writ petitions are dismissed as withdrawn with liberty to both parties to work out their remedies in the manner known to law.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ajr

To:

1. The Secretary
Ministry for Power
Govt.of Tamil Nadu
Fort St.George
Chennai 600 009
2. Tamil Nadu Electricity Board
rep.by its Chairman
800,Anna Salai,
Chennai 2

3.The Secretary, TamilNadu
Electricity Regulatory Commission,
17,Third Main Road,
Seethammal Colony,
Alwarpet, Chennai-6000018

+1cc to The Government Pleader sr.6153

+2ccs to Mr.P.R.Dhilipkumar, Advocate sr.7521

W.P.Nos.2961 of 2002
and 12222 of 2003

gr1(co)
ss(10/02/2017)

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