

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.224 and 225 of 2018

and

WMP.Nos.298 and 299 of 2018

Al Ameen Green Energy Private Limited

rep.by its Chairman M.Basheer Ahamed ... Petitioner

in both the writ petitions

Vs.

1.The State of Tamil Nadu

rep.by its Secretary to Government,
Energy Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Tamil Nadu Generation & Distribution Corporation Limited
(TANGEDCO)

rep.by its Managing Director,
2nd Floor, Eastern Wing,
No.144, Anna Salai,
Chennai - 600 002.

3.The Chairman,

Tamil Nadu Electricity Board
No.800, Anna Salai,
Chennai - 600 002.

4.The Tamil Nadu Electricity Regulatory Commission (TNERC)

rep.by its Chairman,
2nd Floor, Eastern Wing,
No.144, Anna Salai,
Chennai - 600 002.

5.The Chief Engineer/Non Conventional Energy Sources (NCES)

2nd Floor, Eastern Wing,

NPKRR Maligai, No.144, Anna Salai,

Chennai - 600 002.

... Respondents

in both the writ petitions

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records on the file of the second respondent made in Lr.Nos.CE/NCES/SE/SOL/EE/SCB/A1/F.A1 Ameen/D.859/17 and CE/NCES/SE/SOL/EE/SCB/A1/F.A1 Ameen/D.861/17 respectively dated 18.09.2017 and quash the same.

For Petitioner: Mr.Haja Mohideen Gisthi

For R1 : Mr.V.Jayaprakash Narayanan, SGP

For R2 to R5 : Mr.C.Manishankar, AAG assisted by
Mr.S.K.Rameshwar

COMMON ORDER

Both these writ petitions have been preferred by the petitioner against the two separate communications dated 18.09.2017 issued by the second respondent. By the impugned communications, the petitioner was informed that the respective noted on record letters already issued were cancelled and hence, respective Energy Purchase Agreements dated 10.07.2015 and 24.03.2016 executed between the petitioner and TANGEDCO, based on the aforesaid noted on record letters, become null and void. However, the petitioner was given the following options of supply of power apart from sale of power to TANGEDCO under preferential tariff scheme:

(i) Sale of power to TANGEDCO under reverse bidding whenever floated by TANGEDCO.

(ii) Wheeling of power to third party users under Intra State Open Access System.

(iii) Wheeling of power on captive consumption under Intra State Open Access system.

2.Today, when the matters are taken up for consideration, it is brought to the notice of this Court by the learned counsel for the petitioner that out of three options given in the impugned communications dated 18.09.2017 as extracted above, the petitioner has now, agreed to take the options (ii) and (iii) alone and has also given a letter dated 26.09.2018 to the respondents 3 and 5 to that effect. The same has been agreed by the learned Additional Advocate General appearing for the respondents 2 to 5.

3.In view of the aforesaid subsequent development, this Court directs the respondents to consider the options now adopted by the petitioner and pass appropriate orders, as per law, within a period of two weeks from the date of receipt of a copy of this order.

4. Accordingly, both the writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
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Chennai - 600 009.
2. The Managing Director,
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NPKRR Maligai, No.144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.67605
+1cc to Mr.S.Haja Mohideen Gisthi, Advocate, S.R.No.67607.
+1cc to the Government Pleader, S.R.No.67844.

W.P.Nos.224 and 225 of 2018

NMI (CO)

rrs 01/10/2018