

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12630 of 2013

P.Pugalenth

... Petitioner

Vs.

1.Union of India represented by
the Secretary to Government of India
Department of Atomic Energy,
Anushakti Bhavan,
Chatrapathi Shivaji Maharaj Marg,
Mumbai 400 001.

2.The Chairman
Atomic Energy Regulatory Board,
Niyamak Bhavan
Anushaktinagar
Mumbai 400 094.

3.The Chairman and Managing Director
Nuclear Power Corporation of India Limited
Nambhakiya Urja Bhavan
Anushakti Nagar
Mumbai 400 094.

4.The Joint Director
Central Bureau of Investigation
South Zone
EVK Sampath Building
College Road,
Chennai 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing respondent No.4 to initiate a preliminary enquiry into the allegation of supply of substandard nuclear components by Rosatom, Russia to Kudanklam Nuclear Power Plant, Tirunelveli based on the representation of the petitioner dated 11.04.2013 in accordance with law.

WEB COPY

For Petitioner : Mr.M.Radhakrishnan
For Respondents : Mr.Rajagopal

ASG
for Mr.R.Rajeshvivekanandh for R1+R2
Mr.C.Kanakaraj for R3
Mr.K.Srinivasan
Special Public Prosecutor
for CBI cases for R4

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the fourth respondent to initiate preliminary enquiry into the allegation of supply of substandard nuclear components by Rosatom, Russia to Kudanklam Nuclear Power Plant, Tirunelveli, based on the representation of the petitioner dated 11.04.2013 in accordance with law.

2.The petitioner is an Advocate and he made a representation dated 11.04.2013 to the fourth respondent seeking to register a case and investigate into the irregularities in the supply of nuclear reactors and other components to the Kudankulam Nuclear Power Plant by Rosatom, Russia. Since, his representation was not considered, the petitioner has filed this writ petition.

3.It appears that the complaint preferred by the petitioner before the fourth respondent has been forwarded to the Chief Vigilance Officer, Department of Atomic Energy, Anushakti Bhawan, Chatrapathi Shivaji Maharaj Marg, Mumbai 400 001, for taking necessary action as the fourth respondent felt that the allegation levelled in the complaint is merely based on presumption, surmise and speculation and that there is no material prima facie warranting CBI investigation.

4.Today, when the matter is taken up for consideration, the learned ASG appearing for the third respondent filed a counter and submitted that the very same issue was seized by the Hon'ble Apex Court in SLP (C) No.36179 of 2013 with I.A.No.3 in C.A.No.4440 of 2013 [(2014) 6 SCC 776 (G.Sundararajan Vs. Union of India and others)] decided on 08.05.2014 and the Hon'ble Apex Court has issued direction to several agency and the respective agency has complied with the directions issued by the Hon'ble Apex Court.

5.Though the entire issue was seized by the Hon'ble Apex Court, the fourth respondent has forwarded the representation of the petitioner to the Chief Vigilance

Officer, Department of Atomic Energy, Anushakti Bhawan, Chatrapathi Shivaji Maharaj Marg, Mumbai 400 001. Hence, the Chief Vigilance Officer, Department of Atomic Energy is directed to dispose of the representation of the petitioner forwarded by the fourth respondent, if not already disposed.

6.The writ petition is accordingly disposed of. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.Secretary to Government of India
Department of Atomic Energy,
Anushakti Bhavan,
Chatrapathi Shivaji Maharaj Marg,
Mumbai 400 001.
- 2.The Chairman
Atomic Energy Regulatory Board,
Niyamak Bhavan
Anushaktinagar
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- 3.The Chairman and Managing Director
Nuclear Power Corporation of India Limited
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- 4.The Joint Director
Central Bureau of Investigation
South Zone
EVK Sampath Building
College Road,
Chennai 600 006.
- 5.The Chief Vigilance Officer,
Department of Atomic Energy,
Anushakti Bhavan,
Chatrapathi Shivaji Maharaj Marg,
Mumbai 400 001.

+1cc to Mr.R.Rajeshvivekanandhan , Advocate SR.No. 6886
+1cc to Mr.R.Rajeshvivekanandhan, Advocate SR.No.6886 (8/3/2019)
W.P.No.12630 of 2013
A.SK (19/02/2019)