

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.13996 of 2012 and
M.P.No.1 of 2012

Plascare Industries Private Limited,
HT SC No.431,
rep. by its Director Mr.V.Ganapathy,
No.12, Paliagaram Village,
Maduranthakam Taluk,
Kanchipuram District.

... Petitioner

Vs

1. The Government of Tamil Nadu
rep. by its Secretary to Government,
Energy Department,
Fort St. George, Chennai-600 009.
2. Tamil Nadu Electricity Regulatory
Commission (TNERC)
rep. by its Secretary,
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road), Egmore,
Chennai-600 008.
3. Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
rep. by its Chairman and Managing
Director, 144, Anna Salai,
Chennai-600 002.
4. The Chief Engineer/Commercial,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai-600 002.
5. The Superintending Engineer,
Chengalpattu Electricity Distribution
Circle, Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Declaration,

declaring that the respondent Nos.1, 3, 4 and 5, their men, agents, representatives, officers, assigns, servants and/or anyone acting through or under them cannot resort to impose upon the petitioner for their HT SC No.431, any of the measures contemplated in Memo No.CE/Comml/EE/DSM/F.Power Cut/D.39/2012 dated 25.02.2012 culminating in Memo No.CE/Comml/EE/DSM/F.Power Cut/D.48/12 dated 29.02.2012 issued by the 4th respondent and/or any other measures contemplated in M.P.No.10 of 2012 filed by the 3rd respondent before the 2nd respondent until the time any such measures are approved or sanctioned by the 2nd respondent.

For Petitioner : Mr.Arun Anbumani

For Respondents: Mr.D.Raghu,
Government Advocate for R1

Mr.S.K.Raameshuwar,
Standing Counsel for R3 to R5
NA for R2

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Declaration, declaring that the respondent Nos.1, 3, 4 and 5 cannot resort to impose upon the petitioner for their HT SC No.431, any of the measures contemplated in Memo No.CE/Comml/EE/DSM/F.Power Cut/D.39/2012 dated 25.02.2012 culminating in Memo No.CE/Comml/EE/DSM/F.Power Cut/D.48/12 dated 29.02.2012 issued by the 4th respondent and/or any other measures contemplated in M.P.No.10 of 2012 filed by the 3rd respondent before the 2nd respondent until any such measures are approved or sanctioned by the 2nd respondent.

2. When the matter was taken up for hearing, the learned Counsel on either side submitted that the Chief Engineer/Commercial, TANGEDCO (Technical Branch) has given instructions to the Standing Counsel for TANGEDCO vide letter dated 19.09.2019 stating that the impugned memo dated 25.02.2012 and 29.09.2012 have been set aside by order dated 28.09.2012 by the Tamil Nadu Electricity Regulatory Commission in M.P.No.10/2012 and finally, when a Review Petition was filed, that was also partly allowed. Therefore, recording the same, the Writ Petition may be closed.

3. A perusal of the letter dated 19.09.2019 addressed to Mr.S.K.Rameshuwar, learned Standing Counsel for the respondents 3 to 5 reveals that the impugned memo dated 25.02.2012 and 29.09.2012 have already been set aside by order dated 28.09.2012 by the Tamil Nadu Electricity Regulatory Commission in

M.P.No.10/2012 and the Review Petition filed against the same is partly allowed, In this regard, the relevant portion is extracted here under :

''(iii) As per the Order dt.28.09.2012 in M.P.No.10 of 2012 and Order dt.22.09.2014 in R.P.No.4 of 2012 in M.P.No.10 of 2012 of the Hon'ble TNERC, the impugned Memo dated 26.02.2012 and 29.02.2012 had been set aside except the R&C measures already imposed for increase of power cut of 20% on base demand and energy to 40% and 90% cut on quota demand and energy during restricted hours i.e. 18.00 hrs to 22.00 hrs.

(iv) No appeal has been made by TANGEDCO against the Hon'ble TNERC's Order dt.28.09.2012 in M.P.No.10/2012. Hence, Writ Petition No.13996/2012 filed by M/s.Plascare Industries Pvt. Ltd., Mauranthakkam (HT SC No.431), Chenglepet, EDC may be closed.''

4. In view of the same, the present Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Energy Department,
Fort St. George, Chennai-600 009.

2. Secretary,
Tamil Nadu Electricity Regulatory
Commission (TNERC),
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road), Egmore,
Chennai-600 008.

3. Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai-600 002.

4. The Chief Engineer/Commercial,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
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5. The Superintending Engineer,
Chengalpattu Electricity Distribution
Circle, Tamil Nadu Generation and
Distribution Corporation Limited
(TANGEDCO)

+1cc to Mr.S.K.Rameshkumarm Advocate, S.R.No. 81367

+1cc to Mr.Arun Anbumani, Advocate, S.R.No. 81292

+1cc to the Government Pleader, S.R.No. 81551

W.P.No.13996/2012

RSI (CO)
GN(06/11/2019)



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