



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

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THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.13700 of 2009

and

M.P.Nos.2 & 3 of 2009

Sakthidaran Spintex Mills (P) Ltd,
Chinthampalayam,
O" Rajapalayam Village,
Tiruchengode,
Namakkal District,
Rep. by its Managing Director,
K.Subramaniam

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Energy Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
No.800, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Namakkal.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent relating to his Notice No. SE/NEDC/AEE/GL/AE2/ F.energyquota/D.No.558-54/2008, dated 01.11.2008, quash the same and consequently direct the respondents to provide uninterrupted electricity supply to the petitioner mill in terms of the agreements dated 16.02.2009 entered into between the petitioner and the respondents in respect of wind mill energy.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.J.Ramesh, AGP (for R1)
Mr.S.K.Rameshwar (for R2 & R3)



O R D E R

The relief sought for in this writ petition is to quash the Notice No. SE/NEDC/AEE/GL/AE2/F.energyquota/D.No.558-54/2008, dated 01.11.2008 sent by 3rd respondent, quash the same and consequently direct the respondents to provide uninterrupted electricity supply to the petitioner mill in terms of the agreements dated 16.02.2009 entered into between the petitioner and the respondents in respect of wind mill energy.

2. Today, when the matter was called, the learned Additional Government Pleader produced a letter bearing Lr.No. ACE/NEDC/DFC/AO/REV/HT/A.4/ F.C.Case/D.087/2019, dated 20.06.2019, wherein it is stated that as per M.P.No.42 of 2008, the petitioner is eligible for the adjustment of banked energy as on 01.11.2008 in five equal installments. Therefore, 1/5th of the unutilized energy available as on 01.11.2008 can be considered for the adjustment during the month of April 2009. But the prayer of the petitioner to consider for adjustment of energy available as on 31.03.2009 is not considerable. Therefore, the Additional Chief Engineer, Namakkal Electricity Distribution Circle, Namakkal requested this Court to remand back the matter to him for fresh consideration on merits.

3. The learned counsel for the petitioner considered the letter dated 20.06.2019 and agreed for fresh consideration of the matter.

4. In view of the above, I am inclined to remand back the matter for fresh consideration. Accordingly, the Additional Chief Engineer/Namakkal Electricity Distribution Circle, Namakkal is directed to consider the matter afresh, on its own merits and pass appropriate orders in accordance with law, after affording opportunity to the petitioner herein.

5. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum



To

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Energy Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
No.800, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Namakkal Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Namakkal.
4. The Additional Chief Engineer,
Namakkal Electricity Distribution Circle,
Namakkal.

+lcc to Mr.N.Umapathi, Advocate sr.56349

+lcc to Government Pleader sr.56473

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skv(co)
nr 07/08/2019