

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24900 of 2004

W.P.M.P.Nos.30263 of 2004 & 355 of 2011

PPN Power Generating Co.Ltd

III Floor, Jhavar Plaza,

1A, Nungambakkam High Road,

Chennai - 600 034.

Represented by its Managing Director,

Mr.S.Narayanan

...Petitioner

vs

1. TheTamil Nadu Electricity Regulatory
Commission, Chennai.

2. Nellikuppam V.Krishnamurthy
Former MP and Legislative Assembly of Tamil Nadu
92, Pudupalayam Main Road,
Cuddalore - 607 001.

3. Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorari, calling for the records pertaining to the Order dated 21.07.2004 passed by the 1st Respondent in M.P.No. 1 of 2003 herein and to quash the same and award exemplary costs.

For Petitioner
For Respondents

: Mr.M.Arvind Subramanian
: Mr.S.K.Rameshuwar

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorari, calling for the records pertaining to the Order dated 21.07.2004, passed by the 1st Respondent in M.P.No. 1 of 2003 herein and to quash the same.

2. The learned counsel appearing for the petitioner would submit that it is a Company engaged in generating electricity and it has entered into Power Agreement dated 03.01.1997 with the 3rd Respondent for the supply of electricity. The company has commenced its commercial operation on 26.04.2001, and has been supplying electricity to the 3rd Respondent till date.

3. The learned counsel appearing for the petitioner further contended that section 86 of the Electricity Act 2003, gives power to the Regulatory Commission to regulate the price for the purchase of electricity and the respondent therein raised a primary objection stating that the petitioner has no locus standi to file a petition. Accordingly, the Commission passed an order on the preliminary issue whether the Petitioner has got locus standi to file the above Petition, and whether he can be said to be an affected person and whether the above petition is maintainable in law. Consequently, the Regulatory Commission rejected the contention of the Respondents that the Petitioner has no locus standi to file the petition and the petition was maintainable in law and directed to explore all possible options with the Respondents herein, in order to optimise the cost of power purchase and send a report to the Regulatory Commission, against which the present writ petition is filed by the petitioner.

4. The learned counsel appearing for the petitioner would submit that the Regulatory Commission issued a direction to the Tamil Nadu Electricity Board to comply with the direction issued by the Regulatory Commission.

5. The learned standing counsel appearing for the respondents would submit that they have no objection in considering the request made by the petitioner.

6. In view of the request made by the learned counsel appearing for the petitioner, the respondents are directed to consider the request made by the petitioner, in terms of

the order passed by the Regulatory Commission dated 21.07.2004, as expeditiously as possible.

7. With the above directions, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Chairman,
Tamil Nadu Electricity Regulatory
Commission, Chennai.
2. Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.

+1cc to Mr.S.K.Rameshuwar , Advocate SR.No. 58407

+1cc to Mr.Aravind Subramanian , Advocate SR.No. 58827

+1cc to Mr.M.Varun kumar , Advocate SR.No. 59166

W.P.No. 24900 of 2004

mr (CO)
A.SK(14/10/2019)

सत्यमेव जयते

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