

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27893 of 2010
and M.P.No.2, 3 of 2010

Devi Polymers Private Limited,
Represented by its Executive Director,
No.48, Anna Salai, Chennai 600 002.

..Petitioner

Vs.

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

2.The Chairman,
Tamil Nadu Electricity Board (TNEB),
144, Anna Salai, Chennai 600 008.

3.The Superintending Engineer,
Chennai Electricity Distribution Circle/South,
Tamil Nadu Electricity Board (TNEB),
Anna Main Road, K.K.Nagar,
Chennai 600 078.

... 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 2nd respondent culminating in his impugned Memo No.CE/Comml/EE/DSM/AEE1/F.Power cut/D.358/10 dated 17.09.2010, quash the same and direct the 2nd and 3rd respondents to treat the energy purchased by the petitioner for their H.T.S.C.No.303 through Captive Power Plant, Wind and Third Party Sources over and above the quota fixed by the 2nd respondent up to the sanctioned demand in consonance with the Order dated 07.09.2010 passed by the 1st respondent in M.P.Nos.6, 9 and 17 of 2010 and D.R.P.No.9 of 2010.

For Petitioner : Mr.Arun Anbumani
For Respondents : Mr.S.K.Rameshuwar

O R D E R

The prayer sought for in this Writ Petition is for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent culminating in his impugned Memo

No.CE/Comml/EE/DSM/AEE1/F.Power cut/D.358/10 dated 17.09.2010, quash the same and direct the 2nd and 3rd respondents to treat the energy purchased by the petitioner for their H.T.S.C.No.303 through Captive Power Plant, Wind and Third Party Sources over and above the quota fixed by the 2nd respondent up to the sanctioned demand in consonance with the Order dated 07.09.2010 passed by the 1st respondent in M.P.Nos.6, 9 and 17 of 2010 and D.R.P.No.9 of 2010.

2.The learned counsel for the petitioner made the following endorsement and submits that the writ petition may be disposed of on the basis of the said endorsement.

"The Memo dated 17.09.2010 was challenged in a batch of W.P's and orders were passed by this Hon'ble Court on 28.02.2011 in W.P.No.23166 of 2010 batch. Hence the present Writ Petition may be disposed on the same terms of the order dated 28.02.2011."

3.In view of the endorsement made by the learned counsel appearing for the writ petitioner, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary, Tamil Nadu Electricity, Regulatory Commission, 19-A, Rukmini Lakshmipathy Salai (Marshall's Road), Egmore, Chennai 600 008.
- 2.The Chairman, Tamil Nadu Electricity Board (TNEB), 144, Anna Salai, Chennai 600 008.
- 3.The Superintending Engineer, Chennai Electricity Distribution Circle/South, Tamil Nadu Electricity Board (TNEB), Anna Main Road, K.K.Nagar, Chennai 600 078.

+1 cc to M/s.S.K.Rameshwar, Advocate Sr.No. 88941

+1 cc to M/s.Arun Anbumani, Advocate Sr.No. 88842

AKM/09.12.19/2P-6C /

W.P.No.27893 of 2010
and M.P.Nos.2, 3 of 2010