

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5158 and 5159 of 2010

And

M.P.Nos.1, 1, 2, 2, 3 and 3 of 2010

DCW Ltd.,  
Sahupuram, Tuticorin District,  
Tamilnadu 628 202.

... Petitioner in W.P.No.5158 of 2010

The Madras Aluminium Company Limited,  
Registered Office at  
P.O.Box No.4, Mettur Dam RS 636 402,  
Salem District, Tamil Nadu.

... Petitioner in W.P.No.5159 of 2010

Vs.

1.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.144, Anna Salai,  
Chennai - 600 002.

3.PTC India Limited,  
2<sup>nd</sup> Floor, NBCC Tower,  
15 Bhikaji Cama Place,  
New Delhi - 110 066.

4.Union of India,  
Ministry of Power,  
Shram Shakti Bhavan, New Delhi 110 001.

5.Central Electricity Regulatory Commission,  
3<sup>rd</sup> & 4<sup>th</sup> Floor, Chanderlok Building,  
36, Janpath, New Delhi - 110 001.

... Respondents in both the W.Ps.

Common Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records comprised in the impugned G.O.(Ms.) No.10 dated 27.02.2009 passed by the 1<sup>st</sup> respondent and set aside the same as being unconstitutional and ultra vires the powers under S.11 of the Electricity Act, 2003 in so far as it restricts inter state sale and inter state open access and consequently direct respondents 1 and 2 to act strictly in terms of the Electricity Act, 2003 and the CERC Open Access in Interstate Transmission Regulations by permitting the petitioner's to generate, transmit and sell electricity to any person outside the State of Tamilnadu in compliance with the terms thereof.

For Petitioner : Ms.Janani  
for M/s.Satish Parasaran  
For Respondents : Mr.J.Ramesh for R1  
Additional Government Pleader  
Mr.S.K.Rameshwar for R2  
Mr.A.Kumaraguru for R3 to R5

C O M M O N O R D E R

The learned counsel appearing for the petitioners seek the permission of this Court to withdraw these writ petitions and has also made an endorsement to that effect in the petitions.

2.Recording the endorsement made by the learned counsel appearing for the petitioners, these writ petitions are dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Tamil Nadu Electricity Board,  
Rep by its Chairman,  
No.144, Anna Salai,  
Chennai - 600 002.

3.Union of India,  
Ministry of Power,  
Shram Shakti Bhavan, New Delhi 110 001.

4.Central Electricity Regulatory Commission,  
3<sup>rd</sup> & 4<sup>th</sup> Floor, Chanderlok Building,  
36, Janpath, New Delhi - 110 001.

Copy to

1.The Deputy Registrar,  
Records, High Court,Madras

2. The Section Officer,  
Digitalization Section,  
High Court,Madras

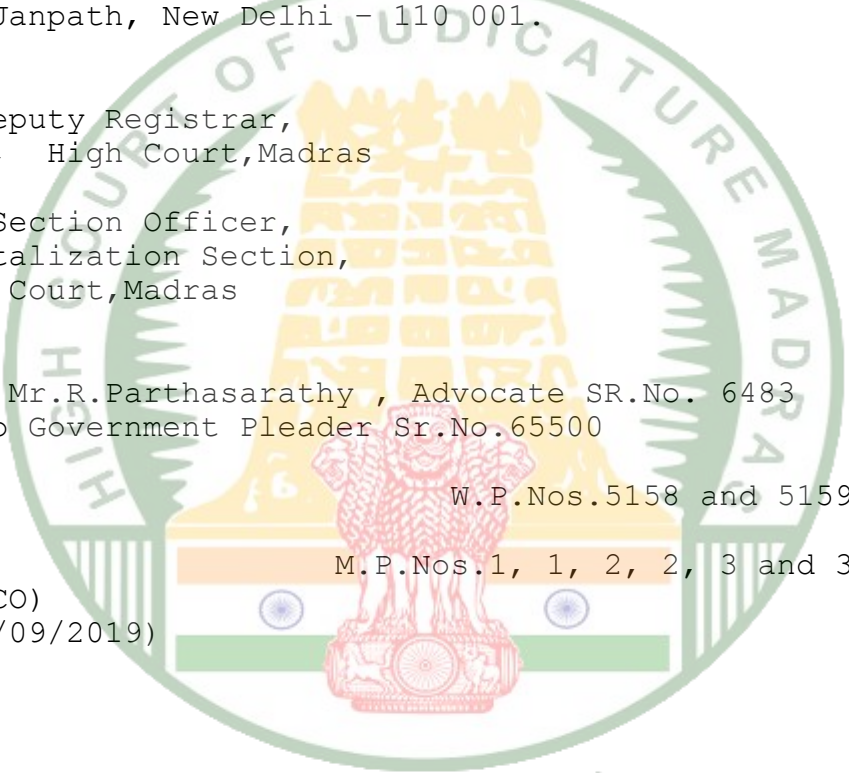
+1cc to Mr.R.Parthasarathy , Advocate SR.No. 6483  
+1 cc to Government Pleader Sr.No.65500

W.P.Nos.5158 and 5159 of 2010

And

M.P.Nos.1, 1, 2, 2, 3 and 3 of 2010

pvs (CO)  
A.SK(05/09/2019)



सत्यमेव जयते

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