



WEB COPY

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.5480 of 2010

OPG Energy Private Limited,
No.117, P.S.Sivasamy Salai,
Mylapore, Chennai-600 004
Rep.by its General Manager

...Petitioner

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
2nd Floor, NBCC Tower
15 Bhikaji Cama Place
New Delhi-110066.

4. Union of India
Ministry of Power
Shram Shakti Bhavan, New Delhi 110001.

5. Central Electricity Regulatory Commission
3rd & 4th Floor, Chanderlok Building,
36, Janpath, New Delhi-110001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records comprised in the impugned G.O.(Ms.)No.10 dated 27.02.2009 passed by the 1st respondent and quash the same as being unconstitutional and ultra vires the powers under Section 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 accordance with the provisions of the Electricity Act, 2003 and the CERC Open Access



in Interstate Transmission Regulations by permitting the petitioner's members to generate, transmit and sell electricity to any person outside the State of Tamil Nadu in compliance with the terms thereof.

For Petitioner : Mr.R.Parthasarathy

For Respondents : Mr.J.Ramesh
AGP for R1
MR.A.Kumaraguru, SCSC
For R2 to R4
M/s.DSK Legal for R3
M/s.S.T.Mohan for R5

O R D E R

The learned counsel for the petitioner has made the following endorsement in the writ petition to the effect that:

" In view of the withdrawal of the impugned G.O by subsequent G.O.Ms.No.40, Energy Al Dept dated 30.05.2014 the writ may be closed as infructuous."

2. Recording the aforesaid fact and the endorsement so made, the present writ petition is closed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Energy Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002.



3. PTC India Limited
2nd Floor, NBCC Tower
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Ministry of Power
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5. The Central Electricity Regulatory Commission
3rd & 4th Floor, Chanderlok Building,
36, Janpath, New Delhi-110001.

+1 cc to M/s.T.Mohan, Advocate Sr.No.59011
+1 cc to Mr.S.K.Ramesh Kumar, Advocate Sr.No.60046
+1 cc to The Government Pleader Sr.No.59722

AKM/25.09.19/3P- 9C /

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