

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 08.08.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.8265, 8266, 10551, 10552,
10599 & 10750 of 2011 &
connected miscellaneous petitions

M/s.RMC Readymix (India),
(A Division of Prism Cement Ltd.,)
AC-26, SIDCO Industrial Estate,
Thirumudivakkam, Chennai - 600 044.
Rep. by its Senior Manager - Accounts,
Mr.S.Krishnamurthy ..Petitioners in W.P.No.8265 & 8266/2011
and W.P.No.10599/2011.

TRISHUL CONCRETE PRODUCTS
PVT. LTD. 46-A C.P.RAMASWAMY ROAD
CHENNAI-18. ..Petitioner in W.P.No.10551 & 10552/2011.

THE INDIA CEMENTS LTD
'COROMANDEL TOWERS' 93 SANTHOME HIGH ROAD
KARPAGAM AGENUE R.A.PURAM CHENNAI-28.
...Petitioner in W.P.10750 of 2011.

Vs

- 1.The Secretary to Government,
Department of Environment and Forests,
Government of India, New Delhi.
....1st Respondent in W.P.No.8265 & 8266/2011.
- 2.The Chief Engineer / Civil / Head Quarters
Tamil Nadu General & Distribution
Corporation Ltd.,
5th Floor, Eastern Wing,
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.
..1st Respondent in W.P.No.10599/2011
..2nd Respondent in W.P.No.8265 & 8266/2011
..3rd Respondent in W.P.No.10551 & 10552/2011
& 10750/2011.
- 3.Tamil Nadu Fly Ash Bricks and Block's
Manufacturers Association,
Having their Head Office at
No.32, Acharappan Street, Broadway,
Chennai - 600 001.
Rep. by its Secretary Mr.Thulasi Raman

(R-3 impleaded as per Court order
dated 24.08.2011 in M.P.No.2 of 2011 in

W.P.No.8265 of 2011)
...3rd Respondent in W.P.No.8265 &
8266/2011.

- 1 UNION OF INDIA
REP. BY ITS DEPUTY DIRECTOR MINISTRY OF
ENVIRONMENT & FORESTS 146 PARYAWARAN
BHAVAN LODHI ROAD NEW DELHI - 110 003.
- 2 TAMILNADU GENERATION &
DISTRIBUTION CORPORATION LTD. REP. BY ITS
CHIEF ENGINEER (CIVIL) NPKKR MAALIGAI 144
ANNA SALAI CHENNAI-2.

...Respondents 1 & 2 in
W.P.No.10551, 10552 & W.P.No.10750/2011.

THE GENERAL MANAGER
METTUR THERMAL POWER STATION
METTUR DAM - 636 406. ...2nd Respondent in W.P.No.10599/2011.

Prayer in W.P.8265/2011:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication dated 26.02.2011 Lr.No.CE/C/HQ/SE CD/EE3/EE(NI)/FAM/AEE(NI)/F.ETPS-MOU/D.62 issued by the second respondent Authority and quash the same and all consequential proceedings and consequently direct the respondent Authority to continue to supply required quantity of fly ash to the petitioner for its concrete manufacturing activities.

WP No.8266 of 2011
Calling for the records relating to the impugned communication dated 26.2.2011 Ref.Lr.No. CE/C/HQ/SE/ CD/EE3/EE(NI)/ FAM/AEE(NI)F/ NCTPS-Can/D.68 issued by the 2nd respondent authority and quash the same and all consequential proceedings and consequently direct the respondent authority to continue to supply required quantity of fly ash to the petitioner for its concrete manufacturing activities

WP No.10750 of 2011
Calling for the records of the 3rd respondent comprised in his impugned order in CE/C/HQ/SE/CD/ EE3/EE (N1)FAM/AEE(N1)/F.ETPS-Reduc/D-192 dt.31.3.2011, quash the same as being arbitrary, illegal, without jurisdiction and contrary to the concluded contracts between the parties and direct the 2nd and 3rd respondents to strictly comply with the terms of the agreement dt.26.6.2006 entered into between the parties by continuing the

entitlement of the petitioner for 20% of the dry fly ash in 2nd respondents units Ennore Thermal Power Station

WP No.10551 of 2011

Calling for the records of the 3rd Respondent comprised in his impugned order in Lr.No.CE/C/HQ/SE/CD/EE3/EE (N1) FAM / AEE (N1) /F.MTPS Cancel/D.186 dt. 31.03.2011 quash the same as being arbitrary, illegal without jurisdiction and contrary to the concluded contracts between the parties and direct the 2nd Respondent and 3rd Respondents to strictly comply with the terms of the Memorandum of Understanding dated 08.07.2006 entered into between the parties by continuing the entitlement of the Petitioner for 20% of the dry fly ash in 2nd Respondents units at Mettur Thermal Power Station.

WP No.10552 of 2011

Calling for the records of the 3rd Respondent comprised in his impugned order in Lr.No.CE/C/HQ/SE/CD/EE3/EE (N1) FAM / AEE (N1) /F.NCTPS-Cancel/D.190 dt. 31.03.2011 quash the same as being arbitrary, illegal without jurisdiction and contrary to the concluded contracts between the parties and direct the 2nd Respondent and 3rd Respondents to strictly comply with the terms of the Memorandum of Understanding dated 06.07.2006 entered into between the parties by continuing the entitlement of the Petitioner for 20% of the dry fly ash in 2nd Respondents Units at North Chennai Thermal Power Station.

WP No.10599 of 2011

Calling for the records relating to the impugned communication dated 26.02.2011 Ref.Lr.No.CE/C/HQ/SE/CD/EE3/EE(N1)/FAM/AEE(NI) F.MTPS-Can/D.80, issued by the 1st Respondent and quash the same and consequently direct the Respondent authorities to continue to supply required quantity of 350 tons of fly ash per month to the Petitioner as per the representation dated 08.03.2011 and 11.04.2011 made by the Petitioner to the Respondents seeking supply of fly ash for its concrete manufacturing activities.

For Petitioner : M/s.T.Uma Sivan in W.P.8265 &
8266/2011 & W.P.10599/2011

For Petitioner in
W.P.10551, 10552/2011 : Mr.R. Parthasarathy

For Petitioner in
W.P.10750/2011 : Mr.K. Harishankar

For Respondents : Mr.T.L.Thirumalaisamy
Central Government Standing Counsel
for R1 in W.P.8265 & 8266/2011

Mr.S.K.Rameshuwar
Standing Counsel for R2 in
W.P.8265, 8266 and W.P.10599/2011
(for R1 & R2)

For Respondent
in W.P.10551, 10552/2011: Mr.D. Simon
CGSC for R1

Mr.S.K.Rameshuwar
for R2 & R3

For Respondent
in W.P.10750/2011 : Mr.J.Madanagopal Rao
SPC for R1

Mr.S.K.Rameshuwar
Standing Counsel for R2 & R3

C O M M O N O R D E R

The learned Standing Counsel for the second respondent would submit that subsequent to adoption of new fly ash policy (as per NTPC model), handling of fly ash will be done through online e-auction and hence, the prayer sought for in these Writ Petitions has become infructuous. He has also produced the communication of the Superintending Engineer, Civil Designs & Hydro Projects, Chennai, dated 06.08.2019.

2. The said fact was not disputed by the learned counsel for the petitioners.

3. In the light of the submission of the learned counsel on either side and the Communication of the Superintending Engineer, dated 06.08.2019, these Writ Petitions are dismissed as infructuous. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Department of Environment and Forests,
Government of India, New Delhi.

2.The Chief Engineer / Civil / Head Quarters
Tamil Nadu General & Distribution
Corporation Ltd.,
5th Floor, Eastern Wing,
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

3.The Deputy Director
Union of India
Ministry of Environment and Forests
146, Paryawaran Bhavan Lodhi Road
New Delhi 110 003.

4.The General Manager
Mettur Thermal Power Station
Mettur Dam 636 406.

+2 Ccs to Mr.K. Harishankar, Advocate sr 68806.

W.P.No.8265, 8266, 10551, 10552,
10599 & 10750 of 2011 &
connected miscellaneous petitions

RK(CO)
SP(20/09/2019)

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