

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.35547 & 35548 of 2016

Ind-Barath Thermal Power Ltd.,
New No.20/Old No.129, Chamiers Road
Nandanam, Chennai 600 035
Tamil Nadu rep.by its President
(Commercial & Admn)/Authorised Signatory

.. Petitioner in WP 35547 of 2016

Ind-Barath Powergencom Limited
New No.20/Old No.129, Chamiers Road
Nandanam, Chennai 600 035
Tamil Nadu rep.by its President
(Commercial & Admn)/Authorised Signatory

.. Petitioner in WP 35548 of 2016

-vs-

1. Tamil Nadu Electricity Generation
and Distribution Corporation (TANGEDCO)
rep by its Chairman and Managing Director
No.144, Anna Salai
Chennai 600 002

2. The Chief Engineer / PPP
Tamil Nadu Electricity Generation
and Distribution Corporation (TANGEDCO)
No.144, Anna Salai
Chennai 600 002

3. The Superintending Engineer
Tuticorin Electricity Distribution Circle
Tuticorin

WEB COPY

4. The State Load Dispatch Centre

C/o TANTRANSCO

rep by its Director

No.144, Anna Salai

Chennai 600 002

.. Respondents in both petitions

W.P.No.35547 of 2016 is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent comprised in the second respondent's Lr.SE/PP/E1/Tender No.6 of 2014/D.256/2015 dated 13.02.2015 and the consequential Lr.No.CE/PPP/SE/PP/E1/Tender No.6 of 2014/D:303/2015 dated 24.04.2015 and quash the same and consequently forbear the respondents from deducting any amount from the duly certified purchase bills submitted by the petitioner under Tender No.6 of 2014 dated 19.08.2014.

W.P.No.35548 of 2016 is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent comprised in Lr.SE/PP/E1/Tender No.6 of 2014/D.256/2015 dated 13.02.2015 and the consequential Lr.No.CE/PPP/SE/PP/E1/Tender No.6 of 2014/D:303/2015 dated 24.04.2015 and the consequent proceedings of the third respondent in (i) Memo No.SE/TEDC/TIN/AO/REV/AS/F.Ind-Barath/D.635-1/2016 dated 2.9.2016, (ii) Memo No.SE/TEDC/TIN/AO/REV/AS/F.Ind-Barath/D.641-1/2016 dated 2.9.2016 and (iii) Memo No.SE/TEDC/TIN/AO/REV/AS/F.Ind-Barath/D.738-1/2016 dated 2.9.2016, quash the same and consequently forbear the respondents from deducting any amount from the duly certified purchase bills submitted by the petitioner under Tender No.6 of 2014 dated 19.08.2014.

For Petitioners :: Mr.S.Kaushik Ramaswamy

For Respondents :: Mr.Abdul Saleem
Standing Counsel

ORDER

The writ petitions have been listed under the caption "for withdrawal" based on the letters dated 17.9.2019 given by the learned counsel for the petitioners before the Registry. The learned counsel for the petitioners submitted that the matters have been settled in view of the Minutes of the 6th Meeting held in PWD Conference Hall, Energy Department, Fort St. George,

Chennai on 24.05.2018, which has already become part of the order dated 29.5.2018 passed by the National Company Law Appellate Tribunal, New Delhi in Company Appeal (AT) (Insolvency) Nos.231 & 232 of 2017. Referring to clause 9 of the Minutes, learned counsel appearing for the petitioners sought permission to withdraw the writ petitions. Accordingly, the writ petitions are dismissed as withdrawn. Consequently, W.M.P.Nos.30562 to 30569 of 2016 are also dismissed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

ss
To

1. The Chairman and Managing Director
Tamil Nadu Electricity Generation
and Distribution Corporation (TANGEDCO)
No.144, Anna Salai
Chennai 600 002
2. The Chief Engineer / PPP
Tamil Nadu Electricity Generation
and Distribution Corporation (TANGEDCO)
No.144, Anna Salai
Chennai 600 002
3. The Superintending Engineer
Tuticorin Electricity Distribution Circle
Tuticorin
4. The Director
State Load Dispatch Centre
C/o TANTRANSCO
No.144, Anna Salai
Chennai 600 002

+2 Ccs to Mr. Anirudh Krishnan, Advocate sr 82429 & 82430

W.P.Nos.35547 & 35548 of 2016

SAI (CO)
SP(23/10/2019)