



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **19.09.2019**
CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.20129 of 2019
and
W.M.P. (MD) .No.16672 of 2019

M/s.Nachiar Spinning Mills (P) Ltd.,
Represented by its Managing Director
Shri A.Balasubramanian
547/15, Rajapalayam Road,
Chatrapatti-626 102,
Rajapalayam Taluk,
Virudhunagar District,
Tamil Nadu

... Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
Having its registered office at No.19-A, Rukmini,
Lakshmipathy Salai (Marchalls Road)
Egmore, Chennai, Tamil Nadu-600 008.

2.State Load Despatch Centre, Tamil Nadu
Represented by its Superintending Engineer,
Having its Registered Office at TANTRANSCO,
144, Anna Salai, Chennai,
Tamil Nadu-600 002.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the Tamil Nadu Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulation, 2019 is unconstitutional, ultra vires the Electricity Act, 2003.

For Petitioner : Mr.Abishek Jenasenan

For R1 : Mr.Abdul Saleem

For R2 : Mr.G.Kasinathadurai, for TNEB



ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Abishek Jenasenan, learned counsel appearing for the petitioner and Mr.M.Abdul Saleem, learned counsel appearing for the first respondent and Mr.G.Kasinathadurai, learned counsel appearing for the second respondent.

2.By consent on either side, this writ petition is taken up for disposal.

3.The learned counsel appearing for the second respondent submitted that the vendor of the petitioner had approached the Principal Bench for more or less an identical relief in W.P.(MD). Nos.27615 and 27617 of 2019 and the said writ petitions have been adjourned and no interim order has been granted.

4.The learned counsel appearing for the petitioner, on instruction from his client, would submit that the petitioner is not pressing this writ petition but, liberty may be granted to approach the second respondent by way of representation.

5.In our considered view, no such liberty is required. Nevertheless, since the petitioner has approached this Court and wants the writ petition to be dismissed as withdrawn, we record the said statement of the learned counsel, dismiss this Writ Petition as withdrawn and leave it open to the petitioner to approach the second respondent in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini,
Lakshmipathy Salai(Marchalls Road)
Egmore, Chennai, Tamil Nadu-600 008.
2. The Superintending Engineer,
State Load Despatch Centre, Tamil Nadu
144, Anna Salai, Chennai,
Tamil Nadu-600 002.



+1 CC to Mr.ABDUL SALEEM, Advocate (SR-87789[F] dated 19/09/2019)

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and

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