

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.14529 of 2020 and
W.M.P.Nos.18024, 18025 & 18026 of 2020

Raasi Green Earth Energy Private Limited
Rep. by its Director BC.Sandeep
No.817, 2nd Floor, 80 Feet Road
8th Block, Koramangala
Bangalore - 560.

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Limited
Represented by its Chairman
No.144, Anna Salai
Chennai - 600 002.

2.The Chief Engineer
NCES-TANGEDCO
No.144, Anna Salai
Chennai-600 002.

3.The Tamil Nadu Electricity Regulatory Commission
Represented by its Chairperson
No.19-A, Rukmini Lakshmipathy Salai
Marshalls Road
Egmore
Chennai - 600 008.

4.The Chief Manager
Punjab National Bank
Koramangala Branch
Bangalore - 560095.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the 1st respondent pertaining to the letter bearing Lr.No.CE/NCES/SE/Solar/EE/SCB/AEE 3/F Raasi Green/D.753/20 dt: 25/9/2020 and Lr.No.CE/NCES/SE/Solar/EE/SCB/AEE 3/F Raasi Green/D.754/20 dt: 25/9/2020 and quash the same.

For Petitioner : Mr.P.Wilson
Senior Counsel for
M/s. Richardson Wilson

For Respondents: Mr.Damodharan - R1 to R3
Standing Counsel

O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the first respondent dated 25.09.2020.

2. Heard Mr.P.Wilson, learned senior counsel for the petitioner and Mr.Damodharan, learned Standing Counsel appearing on behalf of the respondents 1 to 3.

3. It is seen from records that the substantive dispute is pending on the file of the third respondent and the third respondent has already passed an interim order on 09.06.2020 wherein the third respondent has directed the TANGEDCO not to take any coercive steps pending disposal of the dispute. It is further seen from records that when the matter came up for hearing on 15.09.2020, it was TANGEDCO which had sought for some time for the purpose of filing a counter and written submissions. Therefore, at the request of TANGEDCO, the case was again adjourned on 07.10.2020.

4. In view of the above, the respondents ought to have taken effective steps to get the main dispute disposed of by the third respondent and should not have taken any coercive steps in the meantime. This is done in spite of the fact that the third respondent has given a direction to TANGEDCO not to take any coercive steps.

5. In the considered view of this Court, the impugned proceedings of the first respondent dated 25.09.2020 will have to be kept in abeyance till the matter is finally disposed of by the third respondent.

6. This Writ Petition is disposed of with a direction to the third respondent to hear and dispose of the proceedings pending in D.R.P. No.8 of 2020 as expeditiously as possible. Till the final orders also passed by the third respondent, the TANGEDCO is directed not to take any coercive steps and await for the result of the final order.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Chairman
Tamil Nadu Generation and Distribution Corporation Limited
No.144, Anna Salai
Chennai - 600 002.

2.The Chief Engineer
NCES-TANGEDCO
No.144, Anna Salai
Chennai-600 002.

3.The Tamil Nadu Electricity Regulatory Commission
No.19-A, Rukmini Lakshmipathy Salai
Marshalls Road
Egmore
Chennai - 600 008

+1 CC to M/s. Richardson Wilson, advocate sr 33933.

W.P.No.14529 of 2020 and
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PPA (CO)
SP(04/11/2020)

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