

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

TUESDAY, THE 08TH DAY OF DECEMBER, 2020

THE HON'BLE MR.JUSTICE T.RAJA

CONTEMPT PETITION NO.1972 OF 2019

and

Sub Appl.Nos 539 of 2019 & 360 of 2020

in

W.P.NO.5196 OF 2019

VIVID WIND ENERGY PRIVATE LIMITED.,
REP BY ITS AUTHORIZED SIGNATORY,
A.MARIA SELVAKUMAR,
S.F.NO.708/2, THATCHAN THOTAM,
G.H.BACKSIDE, TIRUPUR-641 608.

...Petitioner in Contempt Petition
and both Sub Applications

Vs

1.A.EDHIRAJ,
DIRECTOR/GENERATION ,
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED , 144 ANNA SALAI,
CHENNAI-600002.

2.V.KUMAR,
CHIEF ENGINEER,
NCES, TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED, 2ND FLOOR,
144, ANNA SALAI, CHENNAI-600002.

3.N.VIVEKANANDHAN,
SUPERINTENDING ENGINEER,
UDUMALPET ELECTRICITY DISTRIBUTION CIRCLE,
TANGEDCO, 15, 15A , KUMARALINGAM ROAD ,
PALLADAM,UDUMALPET-624 154.

...Respondents in Contempt Petition
and both Sub Applications

Contempt Petition filed Under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for wilfully disobeying the order passed by this Hon'ble Court in W.P.No.5196 of 2019 dated 30.08.2019.

Sub Application filed under Section 151 of the Code of Civil Procedure praying this Court be pleased to order adjustment of 21,63,599/- units towards the consumption it terms of units, by captive consumers untio the utilization of 21,63,599/- units for HTSC No.039094390369 pending disposal of the contempt petition.

Sub Application filed under Section 151 of the Code of Civil Procedure praying this Court be pleased to forthwith direct the respondents to cause switch over of captive consumption by the petitioner.

The above Contempt Petition and Sub Applications are coming on this day before this Court for hearing in the presence of Mr.T.Chezhiyan, learned counsel for the Petitioner herein; and of Mr.S.R.Rajagopal, learned Additional Advocate General appearing for the Respondents herein; and of upon reading the petition and the affidavit of Maria Selvakumar, S/o.Arokiyasamy, filed herein; the Court made the following order:

“ Mr.S.R.Rajagopal, learned Additional Advocate General appearing for the respondents, stated that the order passed by this Court on 30.08.2019 in W.P.No.5196 of 2019 has been complied with except the little portion of paying interest at the rate of 1% on the belated payment.

He further stated that since the respondent/TANGEDCO has been

experiencing financial crisis due to COVID-19 Pandemic and that of Nivar Cyclone, they have agreed to pay the interest at 6% per annum, instead of 18%. On this basis, they have given quietus to almost 48 other similarly placed persons and as the petitioner is also one among them, they will be considered on the same line within a period of 10 days.

2. Mr.T.Chezhian, learned counsel for the petitioner, agreeing for the interest at the rate of 6% per annum on the belated payment, submitted that no doubt, the respondents have already settlement the payment till July'2020, and during the months of August, September and October, 2020, they have generated 1251872 units and therefore, the same may be adjusted towards the consumption.

3. Learned AAG submitted that the above said request of the petitioner for adjusting the units generated by them need not be gone into by this Court as the respondent/TANGEDCO is ready to pay the entire amount for the units generated by them. Learned AAG further submitted that they would receive the payment only after 45 days from the consumers and therefore, only after receiving the same, they would pay entire amount thereon and hence, the question of adjusting the units generated by the petitioner need not be gone into at this juncture.

4. Learned AAG has also further agreed that for the month of

August, 2020, they would make payment within a period of 10 days from

today and for the months of September and October, 2020, they would make payment within a period of two months from today.

5. In view of the above, as the respondents have complied the order passed by this Court in W.P.No.5196 of 2019, dated 30.08.2019, recording the above said submissions of the learned counsel for the petitioner and the learned AAG with regard to payment of interest as well as payment for the months of August, September and October, 2020, the contempt petition stands closed. No Costs. Consequently, connected sub applications stand closed. ”

WITNESS THE HON'BLE THIRU.JUSTICE AMRESHWAR PRATAP SAHI, THE CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 08th DAY OF DECEMBER 2020.

sd./-

सत्यमेव जयते
JOINT REGISTRAR(OS)
//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

VA/10/12/2020

CONTEMPT PETITION NO.1972/2019

and

Sub Appl.Nos 539 of 2019 & 360 of 2020

THE HON'BLE MR.JUSTICE T.RAJA

ORDER

DATED :08.12.2020

FOR APPROVAL :10/12/2020

APPROVED ON :10/12/2020

To:

1.A.EDHIRAJ,
DIRECTOR/GENERATION,
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED ,
144 ANNA SALAI, CHENNAI-600002.

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CHIEF ENGINEER,
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CIRCLE,TANGEDCO, 15, 15A ,
KUMARALINGAM ROAD,
PALLADAM,UDUMALPET-624 154.

4.MR.S.R.RAJAGOPAL,
ADDITIONAL ADVOCATE GENERAL,
ADDL.LAW CHAMBERS, HIGH COURT
BUILDINGS, MADRAS-104.