

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NOS. 23804 AND 23805 OF 2008
AND M.P.NOS.1 OF 2008 (2 PETITIONS)

M/s ST-CMS Electric Co. Pvt Ltd.,
Rep. by its Company Secretary
Mr.K.Raghunathan,
No.79, Kasturi Avenue,
M.R.C.Nagar, R.A.Puram,
Chennai - 600 028

.. Petitioner
in both WPs

Vs

1. Union of India
Rep. by its Secretary,
Ministry of Power,
Shram Shakti Bhavan,
New Delhi - 1.
2. State of Tamil Nadu,
Rep. by its Secretary,
Energy Department, Fort St.George,
Chennai - 600 009.
3. Tamil Nadu Electricity Regulatory Commission (TNERC)
No.17, 3rd Main Road, Seethammal Colony, Alwarpet,
Chennai - 600 018.
4. Tamil Nadu Electricity Board,
Rep. by its Chairman,
NPKRR Maligai, 800, Anna Salai,
Chennai - 2.
(R4 impleaded as per order
dated 23.7.09 by VDPJ in
MP 1 of 2009 in WP 23804/08)
(R4 impleaded as per order
dated 23.07.09 in MP 2 of 2009
in WP 23805/08)

.. Respondents
in both WPs

Prayer in W.P.No.23804 of 2008:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration for declaring that Section 84 of the Electricity Act 2003 and the constitution of the Respondent No.3 are violative of the basic structure of the Constitution of India and that the constitution of the Respondent No.3 is bad in law on account of bias.

Prayer in W.P.No.23805 of 2008:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the entire records of the third respondent leading to the issue of the impugned Letter No.TNERC/D(T)/DD(T2)/F.CCAP/ST-CMS/D 1230/2008 dated 29th August 2008 of the third respondent and quash the same herein.

For Petitioner : Mr.Satish Parasaran
(in both writ Senior Counsel
petitions) for Mr.Abishek Jenasenan

For Respondents : Mr.P.H.Arvinth Pandian,
(in both writ Additional Advocate-General
petitions) assisted by Mr.Abdul Saleem
for respondent Nos.3 and 4
in W.P.Nos. 23804 and
23805/08

COMMON ORDER

(Order of the Court was made by SENTHILKUMAR RAMAMOORTHY,J.)

In light of the TNEB/TANGEDCO withdrawing the petition for determination of capital cost as indicated in paragraph 11 of the additional affidavit of the writ petitioner dated 18.1.2021, nothing survives for adjudication in these two writ petitions.

By recording the aforesaid, W.P.Nos.23804 and 23805 of 2008 are closed. Consequently, the miscellaneous petitions in the writ petitions are also closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

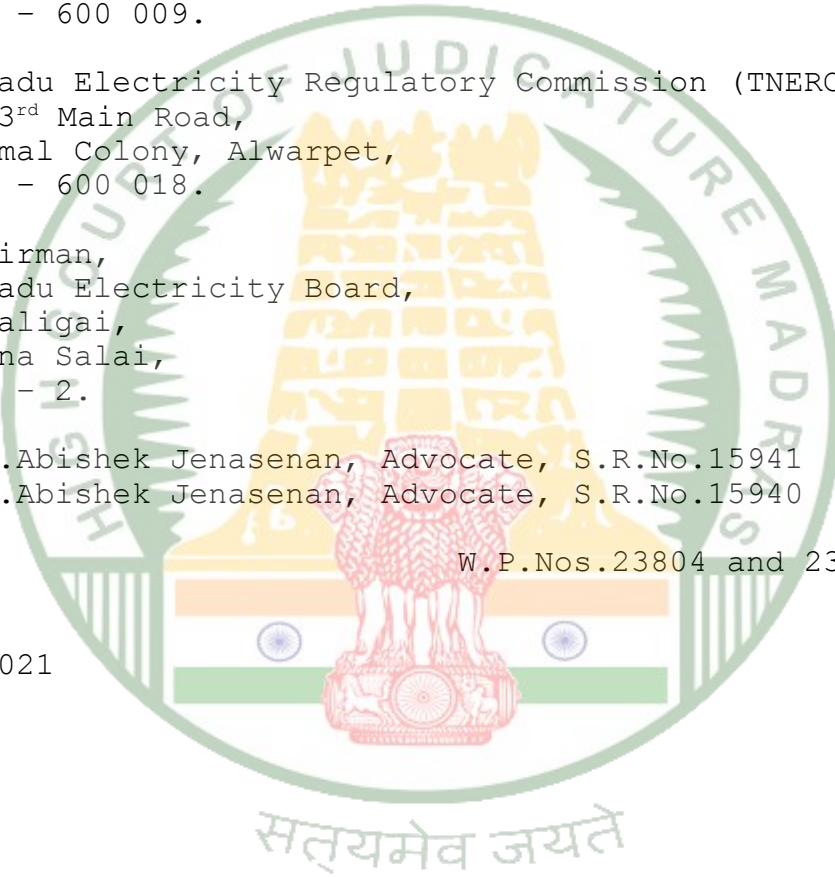
1. The Secretary,
Union of India
Ministry of Power,
Shram Shakti Bhavan,
New Delhi - 1.
2. The Secretary,
State of Tamil Nadu,
Energy Department,
Fort St.George,
Chennai - 600 009.
3. Tamil Nadu Electricity Regulatory Commission (TNERC)
No.17, 3rd Main Road,
Seethammal Colony, Alwarpet,
Chennai - 600 018.
4. The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maligai,
800, Anna Salai,
Chennai - 2.

+2cc to Mr.Abishek Jenasenan, Advocate, S.R.No.15941

+2cc to Mr.Abishek Jenasenan, Advocate, S.R.No.15940

W.P.Nos.23804 and 23805 of 2008

SRII(CO)
CS/01/04/2021



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