



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.18273 of 2021
and WMP No.19508 of 2021

M/s.OPG Power Generation P Ltd.,
Represented by its Senior Manager,
Periya Obulapuram Village,
Nagaraja Kandigai,
Madharapakkam Road,
Gummidipoondi, Thiruvallur - 601201

...Petitioner

Vs

Tamil Nadu Generation and
Distribution Corporation Limited,
Represented by its Chairman,
NPKRR Maaligai, 144, Annasalai,
Chennai 600 002.

...Respondent

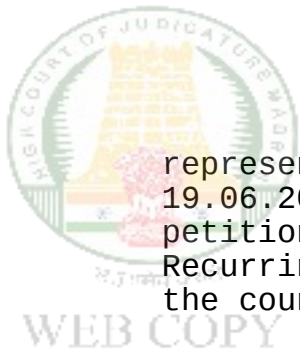
Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the Respondent TANGEDCO to act in furtherance of the petitioners representations dated 09.06.2021 and 19.06.2021 pertaining to application of the correct rates of countervailing duty in terms of the conditions set out in the provisions of the power Purchase Agreement (PPA) dated 12.12.2013 and consequently compensate the petitioner for the additional recurring expenditure incurred by the petitioner on account of countervailing duty being amended to 1% on February 27, 2013 vide Notification bearing No.12/2013 - Customs dated 01.03.2013, and thereby revert the petitioner to the same economic position that it would be in if the change in law events had not occurred.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

O R D E R

This writ petition has been filed for the issuance of writ of Mandamus directing the respondent to act on the



representations made by the petitioner on 09.06.2021 and 19.06.2021, which pertains to the request made by the petitioner to compensate the petitioner for the Additional Recurring expenditure incurred by the petitioner on account of the countervailing duty.

2. When the matter was taken up for hearing on 02.09.2021, this Court directed the learned Government Counsel, appearing on behalf of the TANGEDCO, to take instructions and report before this Court with regard to the representations made by the petitioner to TANGEDCO.

3. When the matter was taken up for hearing today, the learned Standing counsel appearing on behalf of the TANGEDCO submitted that the representations made by the petitioner will be considered and they will have a meeting and a decision will be taken within a period of two weeks.

4. Taking into consideration the facts and circumstances of the case and without going into the merits of the case and recording the submissions of the learned Standing counsel, there shall be a direction to the respondent to act upon the representations made by the petitioner on 09.06.2021 and 19.06.2021 and arrive at a decision, within a period of two weeks from the date of receipt of copy of this order.

5. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

ham/rka

To

The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
NPKRR Maaligai, 144, Annasalai,
Chennai 600 002.

+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.44768

W.P.No.18273 of 2021

SSI(CO)
RVM(17/09/2021)