



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1325 of 2021

and

C.M.P (MD)No.5523 of 2021

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO)
Tirunelveli Electricity Distribution Circle,
Tirunelveli-11.
2. The Chief Engineer,
Non-Conventional Energy Sources(NCES)
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO)
144, Anna Salai, Chennai-600 002.

... Appellants/Respondents

Vs.

CWER Wind Power Private Limited
Represented by its Director,
Laxsmanan Natarajan
319, 3rd Floor, JK Chambers,
Plot No.76, Sector 17, Vashi
Navi Mumbai-400 703
Maharashtra

... Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P(MD)No.3878 of 2021, dated 18.03.2021 on the file of this Hon'ble Court and allow this Writ Appeal.

Prayer in WP(MD). 3878/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue, a Writ of Mandamus or any other writ or order in the nature of a Writ of Mandamus, directing the 1st respondent to issue No Objection Certification in favour of the petitioners 2100KW WEG in Vannikonendal Village Manur Taluk (earlier known as Sankarankoil Taluk), Tirunelveli District, bearing HTSC number 079234724221, so as to enable the Buyer to get approval from Chief Engineer (CE), NCES, TANGEDCO, Chennai for name transfer of WEG/HTSC/change of user.



For Appellants : Mrs.S.Srimathy
Standing Counsel

WEB COPY

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mrs.S.Srimathy, learned Standing Counsel appearing for the appellants.

2.This Writ Appeal by the Superintending Engineer, TANGEDCO is directed against the order dated 18.03.2021, in W.P(MD)No.3878 of 2021.

3.On going through the impugned order, more particularly, the observations and findings contained in paragraph Nos.8 to 10, we find that the order has sufficiently protected the interest of the appellant TANGEDCO. It is not in dispute that the Superintending Engineer had executed the affidavit and during the period when the appeal was in the process of being numbered, the writ petitioner has given an undertaking and the no-objection certificate has also been issued to the respondent / writ petitioner by the TANGEDCO.

4.In the light of the above, we dispose of the writ appeal observing that the respondent / writ petitioner shall be irrevocably bound by the undertaking given and shall abide by the same as per the terms and conditions contained therein. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Superintending Engineer,
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W.A. [MD]No.1325 of 2021
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RC (22.07.2021) 3P-3C