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W.P.No.25715 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.25715 of 2012

M/s. Marvel Brick Company,
Rep. by its Proprietor,
Praveen Sai Chander
197/2, Periyapalayam Road,
Manjekarani Village,
Uthukottai Taluk,
Thiruvallur District.

...Petitioner

Vs.

1. Union of India,
Rep. By its Secretary to the Government,
Ministry of Environment and Forests,
New Delhi.
2. Tamil Nadu Generation and Distribution
Corporation Limited, Repd. by its Chairman
800 Anna Salai, Madras – 600 002.
3. North Chennai Thermal Power Station,
Unit of Tamil Nadu Generation and Distribution,
Corporation Limited, Repd. by its Chief Engineer,
Madras – 600 120.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to provide the petitioner company with a quantity of 1287 metric tons of dry fly ash per month, through the 3rd respondent in compliance with the letter in spirit of the notifications issued by the 1st respondent.



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For Petitioner : Mr.Sunny Sheen
for Mr.V.Raghavachari

For Respondents : Mr.J.Madana Gopal [for R1]
Senior Panel Counsel
Mr.K.Arun Prasad [for R2 & R3]

ORDER

The petitioner is a sole proprietary, engaged in the production of dry fly ash, bricks and blocks. It is registered with the Government of Tamil Nadu, Department of Industries and Commerce and holds a certificate to such effect from 15.10.2007 onwards.

2. The prayer of the petitioner is for a mandamus directing the 2nd respondent i.e., Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) to provide it with 1287 metric tons of dry fly ash per month through R3, being the North Chennai Thermal Power Station, in accordance with various notifications issued by the Ministry of Environment and Forests, Union of India.

3. According to the petitioner, it had been denied the supply of fly ash, which has triggered the filing of Writ petition. The 2nd respondent/TANGEDCO has filed both a counter and an additional counter wherein it confirms that between the periods 2007 to 2021, fly ash has been lifted by the petitioner as follows:



Sl.No.	Financial Year	Allotted Quantity/Year	Lifted Quantity	Balance Quantity
1.	2007-2008	450 (150 x 3)	441	9
2.	2008-2009	1800 (150 x 12)	1691	109
3.	2009-2010	1800 (150 x 12)	1440	360
4.	2010-2011	1800 (150 x 12)	1260	620
5.	2011-2012	1800 (150 x 12)	1512	288
6.	2012-2013	1800 (150 x 12)	1422	378
7.	2013-2014	2400 (200 x 12)	1249	1151
8.	2014-2015	2400 (200 x 12)	1585	815
9.	2015-2016	2400 (200 x 12)	2006	394
10.	2016-2017	2400 (200 x 12)	1571	829
11.	2017-2018	2400 (200 x 12)	1526	874
12.	2018-2019	2400 (200 x 12)	1447	953
13.	2019-2020	2400 (200 x 12)	813	1587
14.	2020-2021	2400 (200 x 12)	157	2243

4. Thus, the respondent appears to have been adherent to the regulations in place for supply of fly ash. Going forward, it is the case of the respondent that there has been no request made by the petitioner and hence they could not be faulted for the non supply of materials to them.

5. Faced with this factual position which is undisputed, the petitioner only seeks liberty to continue seeking supply of fly ash. Though no such liberty is really required, the petitioner is permitted to do so, in accordance with prevailing regulations. Such requests, if and when made, shall be considered by the respondents, in accordance with Law and the regulations



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framed in this regard.

6. Recording the above, the Writ petition is closed. No costs.

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mpl

Index : Yes/No

Speaking Order/Non speaking Order

To

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