

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1133 of 2022

and C.M.P.No.6995 of 2022

Ramco Cements Limited

(Formerly Known as Madras Cements Ltd.

Auras Corporate Centre V Floor No.98-A Dr.

Radhakrishnan Salai, Mylapore,

Chennai - 600 004.

.. Appellant

vs

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Previously known as TNEB, Rep. by its Chairman and Managing Director, No.144, Anna Salai, Chennai 600 002.
2. The Member (Generation)
TANGEDCO, No.144, Anna Salai, Chennai 600 002.
3. The Chief Engineer,
Civil Designs (TANGEDCO),
No.144, Anna Salai, Chennai 600 002.
4. The Chief Engineer,
TANGEDCO, Tuticorin Thermal Power Station, Tuticorin 628 004.
5. The Superintending Engineer,
(Mechanical II), TANGEDCO,
Tuticorin Thermal Power Station,
Tuticorin 628 004.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 07.12.2021 passed in W.P.No.5850 of 2010 on the file of this Court.

Prayer in W.P.No.5850 of 2010 :

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the fourth respondent in Lr.No.CE/SE/MII/AHP/TTPS/F.271/D.2612 dated 31.08.2009 and the consequential proceedings in Lr.No.CE/SE/MII/AHP/TTPS/F27/D.4124/09 dated 15.12.2009 and quash the same as illegal and arbitrary and consequently direct the first respondent to issue appropriate instructions to the 3rd respondent to strictly comply with the terms of the agreement between parties and not to levy any penalty for short collection.

For the Appellant : Mr.Rahul Balaji

For the Respondents : Mr.Abul Kalam

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

After arguing the writ appeal at length, learned counsel for the appellant prays for its withdrawal with liberty to pursue other remedies which may include the remedy of filing a suit before the Civil Court along with an application for injunction. The prayer is that any observation or finding of this Court in the order under challenge may not be taken into consideration by the Civil Court while adjudicating the civil suit, if any filed by the appellant.

2. As prayed, the writ appeal is dismissed as withdrawn with liberty as prayed for. It is made clear that any finding or observation recorded by the learned Single Judge on merit or on facts would not guide the Civil Court while adjudicating the civil suit preferred by the appellant, if any, rather the determination of the issues would be made by the Civil Court based on the pleadings and the evidence let in by the parties. In case the civil suit is filed, looking to its nature, the proceedings would be expedited and disposed of within a time frame. If any party failed to cooperate, the Civil Court would be at liberty to pass appropriate orders as deemed fit as per law. No costs. Consequently, C.M.P.No.6995 of 2022 is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
known as TNEB, Rep. by its, No.144, Anna Salai,
Chennai 600 002.
2. The Member (Generation)
TANGEDCO, No.144, Anna Salai,
Chennai 600 002.
3. The Chief Engineer,
Civil Designs (TANGEDCO),
No.144, Anna Salai, Chennai 600 002.
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TANGEDCO, Tuticorin Thermal Power
Station, Tuticorin 628 004.
5. The Superintending Engineer,
(Mechanical II), TANGEDCO,
Tuticorin Thermal Power Station,
Tuticorin 628 004.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.41185

W.A.No.1133 of 2022

SKM(CO)
CT/11/07/2022