



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.6979 of 2012 and

M.P. (MD) .Nos.2 and 3 of 2012

Sree Jayasubha Spinners Private Limited,
represented by its Managing Director,
B.Jayalakshmi,
No.6/1056, Perali Road,
Virudhunagar-626 001.

... Petitioner

Vs.

- 1.The State of Tamilnadu,
represented by Secretary to the Government,
Energy Department, Fort St.George,
Chennai-600 009.
- 2.TANGEDCO Limited,
represented by its Chairman and Managing Director,
144, Anna Salai, Chennai- 02.
- 3.Chief Engineer / Commercial,
TANGEDCO,
144, Anna Salai, Chennai- 02.
- 4.TANTRANSCO Limited,
represented by its Chairman and Managing Director,
144, Anna Salai, Chennai- 02.
- 5.State Load Despatch Centre,
represented by its Authorised Signatory,
TANGEDCO,
144, Anna Salai, Chennai- 600 002.
- 6.Tamil Nadu Electricity Regulatory Commission,
represented by its Secretary,
Marshalls Road, Egmore,
Chennai- 600 008.



7. Superintending Engineer,
TANGEDCO,
Virudhunagar Electricity Distribution Circle,
Virudhunagar. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records comprised in the Memo.No.CE/Comml/EE/DSM/F, Power Cut/D.39/2012, dated 25.02.2012 and the consequential memo in Memo.No.CE/Comml/EE/DSM/F.Power Cut/D.48/12, dated 29.02.2012, issued by the 3rd respondent and the consequential communication in No.SE/VEDC/VDR/AO/R/AS/A./F Quota 40% /2012, dated 01.03.2012, issued by the 7th respondent and to quash the same as being arbitrary, illegal and in violation of the provisions of Electricity Act, 2003.

For Petitioner	: Mr.V.Nagarajan for Mr.M.Kamalanathan
For R1	: Mr.N.Muthuvijayan Special Government Pleader
For R2 to R5 & R7	: Mr.S.Deenadhayalan
For R6	: No appearance

O R D E R

The present Writ Petition has been filed challenging the two memos, dated 25.02.2012 and 29.02.2012, which relate to additional restriction and control measures and high tension Industrial and Commercial Services.

2.Since there was violation of these two memos, the impugned order came to be passed by the respondent on 01.03.2012, under which additional restrictions were imposed upon the writ petitioner. The memos, dated 25.02.2012 and 29.02.2012 and the consequential impugned order, dated 01.03.2012, have been challenged in the present Writ Petition.

3.The learned Standing Counsel appearing for the respondent Electricity Board submits that the memo, dated 25.02.2012 and 29.02.2012 have already been withdrawn with effect from 02.06.2012. However, there is no reference about the withdrawal or cancellation of the impugned order, dated 01.03.2012, in the counter.

4.When the impugned order has been passed by the seventh respondent, only based on the impugned memos, dated 25.02.2012 and 29.02.2012, the impugned order has no legs to stand after the memos have been withdrawn by the respondent Electricity Board.

5.In view of the above said observation, the impugned order,
<https://hcservices.ecourts.gov.in/hcservices/>



dated 01.03.2012, passed by 7th respondent is set aside and the Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Tmg

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

The Secretary to the Government,
Government of Tamil Nadu,
Energy Department, Fort St.George,
Chennai-600 009.

+1 CC to M/s.M. KAMALANATHAN, Advocate (SR-27585[F] dated 23/06/2022)

+1 CC to M/s.SPL.GP (SR-27729[F] dated 23/06/2022)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-27770[F] dated 23/06/2022)

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RD(05.07.2022) 3P 5C