



W.P.No.19074 of 2015

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.19074 of 2015

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M.P.Nos.3, 4 & 5 of 2015

&

W.M.P.No.21082 of 2021

The India Cements Limited
Represented by its Senior General Manager, Legal
Coromandel Towers,
93 Santhome High Road,
Chennai 600 028.

... Petitioner

Vs

- 1.Union of India
Represented by the Secretary, Ministry of Power,
Shram Shakti Bhavan,
Ministry of Power,
New Delhi – 1.
- 2.State of Tamil Nadu
Through its Secretary
Department of Energy
Fort St.George, Chennai – 600 009.
- 3.The Chief Electrical Inspector to the Government
Thiru Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.



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4. Bureau of Energy Efficiency,
Ministry of Power,
4th Floor, SEWA Bhawan,
R.K.Puram, New Delhi – 110 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 4th respondent as set out in the 'Normalization Document and Monitoring & Verification Guidelines' dated March 2015 pertaining to the Cement Sector and the consequent impugned notices issued by the 3rd respondent being the set of impugned notices bearing Letter no.11741/CEIG/D3/2015 dated 05.05.2015 and set aside the same as illegal, arbitrary and unconstitutional and contrary to the provisions of the Energy Conservation Act, 2001 and the Energy Conservation (Energy Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificates and Value of Per Metric Ton of Oil Equivalent of Energy Consumed) Rules, 2012 and consequently direct the Respondents to not give effect to the Normalization Document and Monitoring & Verification Guidelines for the first PAT Cycle i.e., 2012-13 to 2014-15 or impose any penalties in pursuance of the same.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.S.Makesh, [for R1 & R4]

Central Government Standing Counsel

Mr.Veda Bagath Singh, [for R2 & R3]

Special Government Pleader

ORDER

The petitioner has challenged the notice issued by the Chief Electrical Inspector to the Government/R3 dated 05.05.2015 on the ground that the notice is illegal, arbitrary and unconstitutional and contrary to the provisions of the Energy Conservation Act, 2001 and the Energy Conservation (Energy



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Consumption Norms and Standards for Designated Consumers, Form, Time within which, and Manner of Preparation and Implementation of Scheme, Procedure for Issue of Energy Savings Certificates and Value of Per Metric Ton of Oil Equivalent of Energy Consumed) Rules, 2012.

2. The notice in fact only calls upon the petitioner to submit various documents in order to report ' Normalization Document and Monitoring & Verification guidelines' dated March 2015.

3. This Writ petition has been filed on mere apprehension that the petitioner would fail to achieve the standards set under the guidelines. The petitioner does not pursue the Writ Petition now on the basis of a confirmation in the counter filed by the respondents on 20.12.2022, particularly paragraph 7, reading as follows:-

“The designated consumers shall have to achieve compliance with the energy consumption norms and standards as notified clause (g) of section 14. It is worth mentioning here that the Petitioner company i.e., India Cements Private Limited in respect to the compliances of the PAT Scheme with the energy consumption norms and standards as notified clause (g) of section 14 have complied all the targets as prescribed under the scheme for the PAT Cycles. Compliance sheets of all the plants of India Cements Pvt Ltd. of the two PAT cycle is attached as Annexure 2.



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Since no penalty was levied on the Petitioner throughout the two cycles and none of the adverse actions took place as has been stated out in the Writ petition, this thus removes the misconceptions the petitioner company has in respect to the enforcement and performance of the PAT scheme. This Writ deserves to be dismissed on these facts itself."

4. The respondents have in the aforesaid paragraph assuaged the apprehensions of the petitioner that it might not conform to the standards of the scheme and would be visited, as a consequence thereof, with penalty. With the assurances extended by the respondents to the petitioner that they have indeed achieved the target envisaged under the scheme, the challenge is not pursued by the petitioner any further.

5. This Writ Petition is dismissed. No costs. In light of the order now passed, W.M.P.No.21082 of 2021 seeking impleadment also stands dismissed. All miscellaneous petitions are closed with no order as to costs.

mpl
Index : Yes / No
Speaking Order/Non-Speaking Order
To

10.01.2023

1. Union of India
Represented by the Secretary, Ministry of Power,
Shram Shakti Bhavan,



W.P.No.19074 of 2015

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Dr.ANITA SUMANTH, J.

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