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Rev.Aplw.No.22 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM :

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Review Application No.22 of 2023

M.L.Ravi

.. Review Petitioner

Versus

1. Additional Chief Secretary to Government
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Principal Secretary / Chairman and
Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

.. Respondents

Prayer : Review Application filed under Order XLVII Rule 1 r/w Section 114 of the Code of Civil Procedure to review the order passed by this Court in W.P.No.32564 of 2022, dated 21.12.2022.



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For Petitioner : Mr.T.Sivagnanasambandan

For Respondents : Mr.R.Shunmugasundaram,
Advocate General,
Assisted by Mr.P.Muthukumar,
State Government Pleader for R1

ORDER

(Made by the Hon'ble Mr.Justice D.Bharatha Chakravarthy)

The review applicant had filed W.P.No.32564 of 2022 challenging G.O.Ms.No.52, dated 06.10.2022, in and by which, the Government of Tamil Nadu had conveyed its approval directing that a notification under Section 7 of the *Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (Central Act 18 of 2016)* (hereinafter referred to as '*Aadhaar Act*') for usage of Aadhaar Authentication services in the second respondent Corporation namely, *TANGEDCO*, to be published in extraordinary issue of the Tamil Nadu Government Gazette, dated 06.10.2022. The very many grounds raised by the review applicant were dealt with and by the judgment, dated 21.12.2022, the Writ Petition was dismissed upholding the Government Order. Contending that there is error apparent on the face of the record, the present Review Application is filed.



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2. It is the contention of *Mr.T.Sivagnanasambandan*, learned Counsel appearing on behalf of the review applicant that once Section 57 of the *Aadhaar Act*, which enabled the corporate bodies and other persons to utilise the Aadhaar Authentication notwithstanding anything contained in the *Aadhaar Act*, is omitted, *TANGEDCO*, being a Company registered under the *Companies Act, 2013*, cannot use the Aadhaar Authentication. He would submit that the consequent circular which was issued for the usage of Aadhaar for the individual benefit also goes in view of Section 57 of the *Aadhaar Act* being omitted pursuant to the judgment of the Hon'ble Supreme Court of India in *K.S.Puttaswamy (Retired) and Anr. (AADHAAR) Vs. Union of India and Anr.*¹ .

3. We have considered the said submissions on behalf of the review applicant and perused the material records of the case. It is true that apart from the State and its agencies, Section 57 of the *Aadhaar Act*, originally enabled the other entities and corporates to use Aadhaar Authentication for the purposes dehors the ones which are prescribed under the *Aadhaar Act*. The said section is omitted and all the enabling circulars issued thereunder

¹ (2019) 1 SCC 1



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stood nullified after the judgment of the Hon'ble Supreme Court of India in ***K.S.Puttaswamy (Retired)***'s case (cited *supra*). But, that does not in any manner help the petitioner in the instant case. This is not a case of use of Aadhaar Authentication by a private body. The State is providing subsidies for the first 100 units of the electricity and other kinds of subsidies are also provided for targeted consumers. The instant circular is in order in view of the Section 7 of the *Aadhaar Act* read with Regulation 12 of the *Aadhaar (Enrollment and Update) Regulations, 2006* and therefore, the contention of learned Counsel for the review applicant is absolutely without any merits. Secondly, raising a new contention which the petitioner omitted to raise at the time of arguing the Writ Petition cannot be a ground to term that there is error apparent on the face of the record.

4. As such, on the grounds of the maintainability as well as on the merits of the submissions made in the Review Application, the Review Application is bound to fail and is accordingly dismissed. There shall be no orders as to costs.

(T.R., ACJ.)

(D.B.C., J.)

18.04.2023



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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs



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