



Writ Petition No.28984 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/2/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.28984 of 2012

a n d

M.P.Nos.2 to 4 of 2012

The India Cements Limited
rep. By its General Manager – Legal
Having Corporate Office at
Coromandel Towers
93 Santhome High Road
Chennai 600 028.

...

Petitioner

Vs

1. Union of India
rep. By its Secretary
Ministry of Power
Shram Shakti Bhavan
Ministry of Power
New Delhi 1.
2. The State of Tamil Nadu
through its Secretary
Department of Energy
Fort St. George
Chennai 600 009.
3. Bureau of Energy Efficiency
Ministry of Power
4th Floor, SEWA Bhawan
R.K.Puram
New Delhi 110 066.

...

Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India

praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent being Notification bearing No.S.O.687 (E) dated 30/3/2011 and quashing the same in so far as it concerns the petitioner as set out in Heading (vii) Cement entries 7, 16, 28, 29, 50, 61 and 67 as illegal, arbitrary and unconstitutional and contrary to the provisions of the Energy Conservation Act, 2001 and 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 consider the individual circumstances of the petitioner's plant as a designated users and existing efficiency levels thereof before prescribing norms and standard of energy efficiency in accordance with law, after providing an opportunity to the petitioner.

For Petitioner	...	Ms.Simran Srinivasan
For respondents	...	No appearance for R.R.1 and 3 Mrs.R.Anitha Special Government Pleader for R.2.



ORDER

This writ petition has been filed to quash the Notification dated 30/3/2011, passed by the first respondent and consequently, direct the respondents to consider the individual circumstances of the petitioner's plant as a designated users and existing efficiency levels thereof before prescribing norms and standard of energy efficiency in accordance with law, after providing an opportunity to the petitioner.

2. Heard Ms.Simran Srinivasan, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the second respondent. There is no representation on behalf of the respondents 1 and 3.

3. Though Notification in respect of the Heading (vii) Cement entries 7, 16, 28, 29, 50, 61 and 67 is challenged, today, when the matter is taken up for hearing, learned counsel appearing for the petitioner submitted that now the petitioner is able to achieve compliance with the prescribed norms and standards as stated in the impugned Notification. Submission of the learned counsel appearing for the petitioner is recorded.



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mvs.

4. In view of the above, this Court is of the considered view that nothing survives for further adjudication. Accordingly, this writ petition is closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

14/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: Yes/No

mvs.

To

1. The Secretary, Union of India, Ministry of Power
Shram Shakti Bhavan, Ministry of Power, New Delhi 1.
2. The Secretary, State of Tamil Nadu
Department of Energy, Fort St. George, Chennai 600 009.
3. Bureau of Energy Efficiency
Ministry of Power
4th Floor, SEWA Bhawan
R.K.Puram
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