



W.P.(MD)No.15981 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15981 of 2021

and

W.M.P.(MD)No.12900 of 2021

M/s.Sundarpozzo,
Rep. by its Proprietor,
Mr.S.Gnanaraj, S/o.Sundarapandiyan,
Having its Registered Office at
4/154-1, Maravamadam,
Thoothukudi - 628 101.

... Petitioner

-VS-

The Chief Executive Officer,
NLC Tamil Nadu Power Limited,
Harbour Estate,
Turicorin - 628 004.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent Corporation from invoking the penalty clause under the expression of interest, vide letter of award dated 30.06.2021 between the petitioner and the respondent for shortfall in the lifting of Fly ash from the respondent power plant during the time when the respondent permits the lifting of the fly ash under an offer rate.



WEB COPY



W.P.(MD)No.15981 of 2021

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.K.R.Laxman

ORDER

This Writ Petition was filed to forbear the respondent Corporation from invoking the penalty clause.

2. It is brought to the notice of this Court that the respondent had already invoked the penalty clause and the same has been put to challenge by the petitioner in W.P.(MD)No.25491 of 2023 and the same is pending. In view of the same, it is left open to the petitioner to raise all the grounds in the pending Writ Petition.

3. This Writ Petition is accordingly closed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
smn2

07.11.2023



W.P.(MD)No.15981 of 2021

To

The Chief Executive Officer,
NLC Tamil Nadu Power Limited,
Harbour Estate,
Turicorin - 628 004.



WEB COPY



W.P.(MD)No.15981 of 2021

N.ANAND VENKATESH, J.

smn2

**W.P.(MD)No.15981 of 2021
and
W.M.P.(MD)No.12900 of 2021**

07.11.2023