



W.P.No.9684 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.9684 of 2024
and
W.M.P.No.10710 of 2024

M/s.Tamil Nadu Fly Ash Brick and
Block Manufacturers Association,
Represented by its State President,
Mr.G.Arul Raja,
AD.61, New No.3, 3rd street,
Anna Nagar, Chennai – 600 040.

... Petitioner

Vs.

1. The Chief Engineer/Mechanical,
Thermal Stations & Gas Turbine Schemes,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
3rd Floor, Western Wing, NPKRR Maaligai,
No.144, Anna Salai, Chennai – 600 002.
2. Union of India,
Represented by its Secretary,
Ministry of Power,
Shram Shakti Bhawan, Rafi Marg,
New Delhi.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for
issuance of writ of Certiorarified Mandamus, calling for records pertaining to



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E-Tender Auction Notification Specification No.CE/MTS & GTS/SE/CD/10/2023-24 dated NIL, in so far as relates to non-conduct of “Limited Auction” for Micro and Small Enterprises in the above tender and to quash the same as the same is violative of Notification in S.O.No.9/8/2024-St.Th, dated 15.03.2024 issued by Government of India, Ministry of Power and directing the respondent to re-issue the Tender by reserving “Limited Auction” to Micro and Small enterprises engaged in ash based product manufacturing Fly ash Bricks and Blocks and Tiles.

For Petitioner	: Mr.Srinath Sridevan Senior Counsel for Mr.S.Siva Shanmugam
For R1	: Mr.K.Arun Prasad Standing Counsel for TANGEDCO

ORDER

The E-Tender cum Auction for lifting and disposal of dry fly ash notified on 21.03.2024 is under challenge in the present writ petition.

2. Mr.Srinath Sridevan, learned Senior Counsel for Mr.S.Siva Shanmugam appearing on behalf of the petitioner would mainly contend that the revised notification issued by Ministry of Environment, Forest & Climate Change dated 01.01.2024 has not been implemented. Therefore, the



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impugned E-Tender notification is in violation of the notification issued by the Ministry of Environment, Forest and Climate Change. The Ministry of Power, Government of India also issued guidelines on 15.03.2024.

3. As per the above two notifications, 20% of the quantity of fly ash for Micro and Small enterprises is to be allocated. However, no such allocation has been made through the impugned notification. Thus, it is infirm and to be set aside.

4. The said notifications are issued by Government of India to promote use of ash for Eco-friendly purposes including use of ash based products manufactured by Micro and Small Enterprises engaged in ash based product manufacturing.

5. In response, Mr.K.Arun Prasad, learned Standing Counsel for the Electricity Board submitted the copy of the written instruction given by the Chief Engineer/Mechanical/Thermal Stations & Gas Turbine Schemes dated 08.04.2024 as follows:

“Tender notification for open e-tender cum auction for lifting and disposal of dry fly ash of 12 lakh MT per annum for a



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period of 5 years from NCTPP-Stage-III (1 X 800 MW) vide Specn.No.CE/MTS>S/SE/CD/10/2023-24 has been floated in the TN tenders platform on 16.03.2024, based on Board of TANGEDCO's approval accorded in the meeting held on 13.03.2024. The last date for submission of tender is fixed as 15.04.2024.

The said notification SO No.9/8/2024-St.Th, dt.15.03.2024 issued by the Ministry of Power/Govt.of India regarding the guidelines issued for conducting limited auction for Micro and Small Enterprises and open auction for all users of ash separately was received in this office on 21.03.2024 only.

Hence, to implement the latest guidelines of Ministry of Power/Govt. Of India, dated 15.03.2024, action is being taken to modify the specification as per the guidelines including reserving 20% of the quantity for Micro and Small Enterprises with the approval of Board of TANGEDCO.

On approval of the Board of TANGEDCO, necessary modification will be made in the tender specification. Also, separate action is proposed to be taken for floating limited auction for the eligible Micro and Small Enterprises for the issue of fly ash as per notification SO No.9/8/2024 – St.Th, dated 15.03.2024 issued by the Ministry of Power/Govt. of India.”

6. In view of the fact that the respondent/Board has already initiated action to modify the specifications as per the guidelines including



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reserving 20% quantity of fly ash for Micro and Small Enterprises, no further adjudication needs to be entertained in respect of the grounds raised by the petitioner.

7. With the above clarifications, this Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

10.04.2024
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

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S.M.SUBRAMANIAM,J.

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