

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

FRIDAY, THE 12TH DAY OF JULY, 2019

THE HON'BLE Mr.JUSTICE R.MAHADEVAN

CONTEMPT PETITION NO.445 OF 2019

in

W.P.No. 224 of 2018

AL AMEEN GREEN ENERGY PVT LTD.,
REP BY ITS CHAIRMAN - M. BASHEER AHAMED,
GREEN PALACE COMPLEX,
NO.67 RAMASWAMY STREET,
MANNADY, CHENNAI-1.

...PETITIONER/PETITIONER

Vs

1 VIKRAM KAPUR,
CHAIRMAN CUM MANAGING DIRECTOR,
TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD
(TANGEDCO),
2ND FLOOR,
EASTERN WING,
NPKRR MALIGAI
NO,144, ANNA SALAI,
CHENNAI 600 002.

2 SUBRAMANIAM,
THE CHIEF ENGINEER /
NON CONVENTIONAL ENERGY SOURCES (NCES)
2ND FLOOR, EASTERN WING,
NPKRR MALIGAI,
NO.144 ANNA SALAI, CHENNAI-600 002.

...RESPONDENTS/2nd 5th RESPONDENTS

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Contempt Petition Under Section 11 of the Contempt
Courts Act, 1971 praying that this Court be pleased to
punish the respondents herein for wilful disobedience of
the order dated 28.09.2018 of this Hon'ble Court in

W.P.Nos.224 of 2018.

<https://hcservices.ecourts.gov.in/hcservices/>

The above Contempt Petition coming on this day before this Court for hearing in the presence of S.Haja Mohideen Gisthi, Advocate for the petitioner herein; and of learned standing counsel appearing for respondents herein; and upon reading the petition and the affidavit of M.Basheer Ahamed, filed herein; the Court made the following order:

"The learned counsel for the petitioner submitted that in violation of the order of this Court dated 28.09.2018 made in WP.No.224 of 2018, the respondent issued a communication dated 08.02.2019, directing the petitioner to pay Rs.18,437/- towards registration charges and Rs.2 crores towards 50% of the refundable security deposit by treating them as a fresh applicant for establishing 40 MW (25+15 MW) solar power plant at Veeracholan Village, Virudhunagar District. The learned counsel further submitted that the petitioner had already paid the Load Flow amount and refundable security deposit as per the Power Purchase Agreement and also produced the land documents pertaining to the entire extent of 500 acres. The learned counsel also submitted that the petitioner has established a factory in and around 150 acres, out of 500 acres of land, procured the required materials and started the work by digging holes for installing cables, putting up transmission lines, installing MMS posts, erecting towers, etc. and almost completed the project.

2.Heard the learned standing counsel appearing for the respondent, who stoutly refuted the solar plant work so carried on by the petitioner.

3.Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, this Court is inclined to appoint Advocate Commissioners for conducting inspection and ascertaining the status of completion

of the project in question, so as to give quietus to the dispute between the parties.

4. Accordingly, (i) Mr. S. Rajendra Kumar, having office at M/s. Norton & Grant, No. 152, Thambu Chetti Street, 4th Floor, Chennai - 1 Mobile No. 98417 00142; and (ii) Ms. D. Nishanshiya Velanganni, No. 54, Ravi Colony, 3rd Street, St. Thomas Mount, Chennai - 600 016, Mobile No. 90038 94742, are appointed as Advocate Commissioners, who, after giving due notice to all the parties, shall go and inspect the land in question with the assistance of the technical personnel attached with the respondent and file a detailed report along with sketch and photographs, with regard to the ownership of property, material stock, progress of the work and its completion and evaluation of the project, on or before 26.07.2019. The petitioner shall pay a sum of Rs. 1,00,000/- towards remuneration to each of the Advocate Commissioners, within a period of two days.

Post on 26.07.2019."

WITNESS THE HON'BLE SHRIMATI. JUSTICE VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 12TH DAY OF JULY 2019.

सत्यमेव जयते

sd./-

JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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VA/17/07/2019

CONTEMPT PETITION No.445 of 2019
THE HON'BLE MR. JUSTICE
R.MAHADEVAN

ORDER

DATED :12/07/2019

FOR APPROVAL :17/07/2019

APPROVED ON :17/07/2019

TO

- 1 AL AMEEN GREEN ENERGY PVT LTD.,
REP BY ITS CHAIRMAN -
M. BASHEER AHAMED,
GREEN PALACE COMPLEX,
NO.67 RAMASWAMY STREET,
MANNADY, CHENNAI-1.
- 2 VIKRAM KAPUR,
CHAIRMAN CUM MANAGING DIRECTOR,
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD (TANGEDCO),
2ND FLOOR, EASTERN WING,
NPKRR MALIGAI, NO,144, ANNA SALAI,
CHENNAI 600 002.
- 3 SUBRAMANIAM,
THE CHIEF ENGINEER /
NON CONVENTIONAL ENERGY SOURCES (NCES)
2ND FLOOR, EASTERN WING,
NPKRR MALIGAI,
NO.144 ANNA SALAI, CHENNAI-600 002.
- 4 MR.S.RAJENDRA KUMAR,
HAVING OFFICE AT M/S.NORTON & GRANT,
NO.152, THAMBU CHETTI STREET,
4TH FLOOR, CHENNAI -1
MOBILE NO.98417 00142.
- 5 MS.D.NISHANSHIYA VELANGANNI,
NO.54, RAVI COLONY, 3RD STREET,
ST. THOMAS MOUNT,
CHENNAI - 600 016
Mobile No.9003894742

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

FRIDAY, THE 12TH DAY OF JULY, 2019

THE HON'BLE Mr.JUSTICE R.MAHADEVAN

CONTEMPT PETITION NO.445 OF 2019

in

W.P.No. 224 of 2018

AL AMEEN GREEN ENERGY PVT LTD.,
REP BY ITS CHAIRMAN - M. BASHEER AHAMED,
GREEN PALACE COMPLEX,
NO.67 RAMASWAMY STREET,
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Vs

1.MR.VIKRAM KAPUR,
CHAIRMAN CUM MANAGING DIRECTOR,
TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD (TANGEDCO),
2ND FLOOR,EASTERN WING, NPKRR MALIGAI
NO,144, ANNA SALAI, CHENNAI 600 002.

2.MR.SUBRAMANIAM,
CHIEF ENGINEER /NON CONVENTIONAL ENERGY SOURCES (NCES)
2ND FLOOR, EASTERN WING,
NPKRR MALIGAI, NO.144 ANNA SALAI,
CHENNAI-600 002.

...RESPONDENTS/2nd 5th RESPONDENTS

To

1.MR.S.RAJENDRA KUMAR,
ADVOCATE,
OFFICE AT M/S.NORTON & GRANT,
NO.152, THAMBU CHETTI STREET,
4TH FLOOR, CHENNAI-1.(9841700142)

2.MS.D.NISHANSHIYA VELANGANNI,
ADVOCATE, NO.54,
RAVI COLONY, 3RD STREET,
ST.THOMAS MOUNT, CHENNAI-600 016.
MOBILE NO.9003894742.

..ADVOCATE COMMISSIONERS

WHEREAS, the above Contempt Petition was filed U/s 11 of the Contempt of Courts Act, 1971 praying that this Hon'ble Court be pleased to punish the respondents herein for wilful disobedience of the order dated 28.09.2018 of this Hon'ble Court in W.P.Nos.224 of 2018.

WHEREAS, in and by an order of this Court herein dated 12.07.2019 you are hereby appointed as Advocate Commissioners.

WHEREAS, you as Advocate Commissioners, are directed to issue due notice to all the parties , and thereafter shall go and inspect the land in question with the assistance of the technical personnel attached with the respondent and file a detailed report along with sketch and photographs, with regard to the ownership of property, material stock, progress of the work and its completion and evaluation of the project, on or before 26.07.2019.

You as Advocate Commissioners, are also hereby informed that your remuneration is fixed as Rs.1,00,000/- (Rupees One Lakh) each and the same shall be paid by the Petitioner within a period of two days.

Given Under my hand and seal of this Court, this the 12th day of JULY 2019.

SD/-
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

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RA/18/07/2019

CONTEMPT PETITION No.445/2019

THE HON'BLE MR.JUSTICE

R.MAHADEVAN

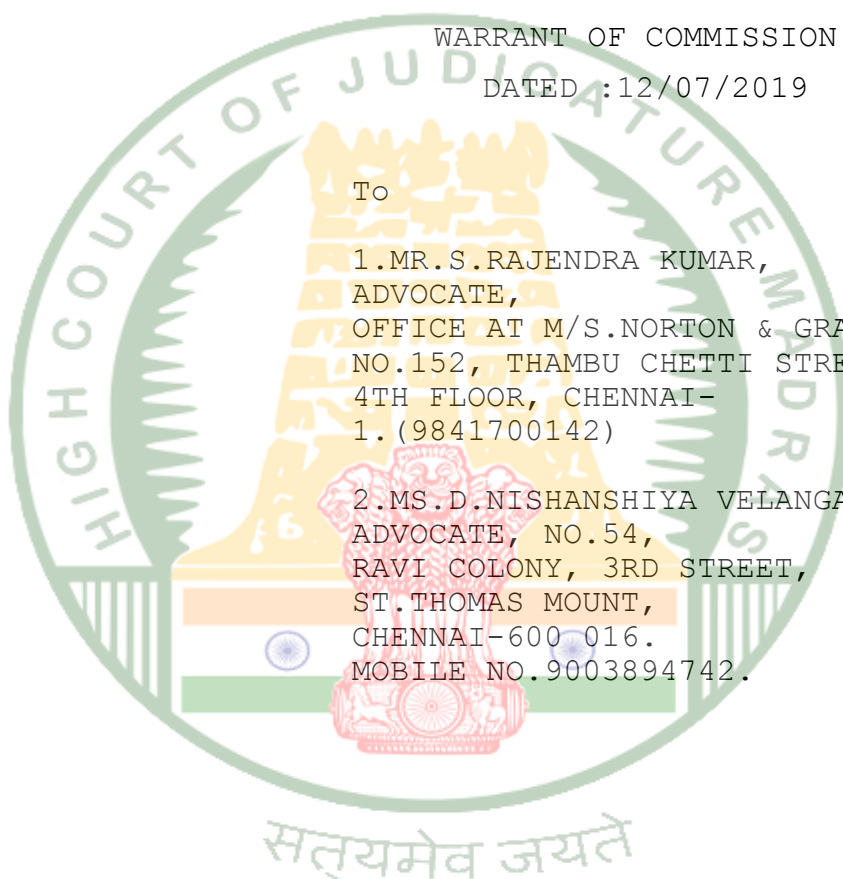
WARRANT OF COMMISSION

DATED : 12/07/2019

To

1.MR.S.RAJENDRA KUMAR,
ADVOCATE,
OFFICE AT M/S.NORTON & GRANT,
NO.152, THAMBU CHETTI STREET,
4TH FLOOR, CHENNAI-
1.(9841700142)

2.MS.D.NISHANSHIYA VELANGANNI,
ADVOCATE, NO.54,
RAVI COLONY, 3RD STREET,
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