

**TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD.**

Legal Cell
144, Anna Salai
Chennai – 2.

Memo. No. 19566/C2/C21/2020-1, dated 27-05-2020.

Sub: TANGEDCO – Legal Cell – Follow up of court cases – Further instructions – issued.

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In order to effectively defend TANGEDCO/TANTRANSOCO cases before various Courts, Senior Standing Counsels, Standing Counsels and Junior Standing Counsels are appointed. In order to have an enhanced co-ordination, an Under Secretary each is posted as the head of the Legal Section at Chennai and Madurai, having respective office at TANGEDCO's 110 KV SS Complex, Esplanade, Chennai (044-25340316; [Email- legalsectionchennai@tnebnnet.org](mailto:legalsectionchennai@tnebnnet.org)) and at No. 3/185, First Floor, Neethi Nagar, Y.Othakadai, Madurai-625107 (0452-2422792; Email – legalsectionmadurai@tnebnnet.org). In furtherance of the same and in view of the COVID-19 pandemic necessitating imposition of restrictions in movement from one place to another, the Superintending Engineers, Chief Engineers and all other officers in equivalent rank and the respective Nodal Officers/Court Cases of the Circle/Region/Office are hereby issued with further instruction so as to enable them to have a prompt and effective follow-up of Court cases, as detailed below :-

(i) The Legal Section at Chennai and Madurai will send in the first instance a copy of the affidavit and impugned order in new admission cases through whatsapp, so as to enable the officer concerned to have an immediate discussion and to give required instructions to the Standing Counsel concerned. Thereafter, a photocopy of the complete set like affidavit, petitions and typed set of papers will be sent by post/courier service to the Nodal Officer for giving instructions to the officer concerned to make entry in the Legal Cases Monitoring System (LCMS), to file counter affidavit, etc.

(ii) For all further processes in a Court case including in a case where the CMD or Government is/are party(ies), the detailed instructions issued in Circular Memo. No. 25164/C4/C42/2019-1, dated 21.05.2019 shall be followed scrupulously.

(iii) A model counter affidavit/vacate stay petition, vakalat, etc. will be made available in LCMS portal for use by the office concerned.

(iv) The draft affidavit/counter affidavit seeking approval of the Standing Counsel shall, as far as possible, be sent electronically to the Standing Counsel to his/her email so that any corrections/additions/alterations can be made thereon itself and returned through email to the officer concerned, which will definitely save time, manpower and travel expenses besides actual filing before the Court at the earliest point of time.

(v) Whenever draft affidavit/counter are sent to Standing Counsel, the same may be informed to the Under Secretary/Legal Section concerned so as to enable him to follow-up the same until its approval by the Standing Counsel.

(vi) So also, the signed affidavit/counter, etc., as far as possible, be sent through post/courier and followed up with the Under Secretary/Legal Section concerned of its receipt and filing before the Court.

(vii) In case, an official is required to be deputed to meet the Standing Counsel for any purpose, such official should meet the Under Secretary/ Legal Section concerned in person and inform the reason for meeting the Standing Counsel, so as to enable him to further follow-up the issue until the purpose is accomplished.

(viii) The stage of the case may be ascertained from the High Court's official website itself (www.hcmadras.tn.nic.in) and, if any doubt arises, the Standing Counsel/Under Secretary concerned may be contacted. For other Courts, ecourts.gov.in or www.sci.nic.in, www.tnerc.gov.in, etc. shall be viewed.

(ix) All order copies, interim or final, will be made available by the Court in its website generally in a couple of days of pronouncing such order. Thereafter, the certified order copies, interim or final, issued by the Court will be sent by post/courier by the Legal Section concerned then and there.

(x) In case of filing of WP, appeals, review, etc. by the TANGEDCO/TANTRANSCO, the requirements including the model appeal/petition, etc. and the papers generally required therefor will also be made available in the LCMS portal for reference by the office concerned, so that complete papers required are handed over to the Standing Counsel concerned, so that such WP, appeal, review, etc. are filed within the limitation period (generally 30 days from the date the order copy made ready by the registry of the Court).

(xi) On handing over of all papers for filing such WP, appeal, review, etc. to the Standing Counsel concerned, simultaneously, the Under

Secretary/ Legal Section concerned shall be informed of the same, so as to follow-up the same with the Standing Counsels concerned until filing and obtaining of interim order of stay, etc, wherever necessary.

(xii) The Under Secretary/Legal Section concerned will be regularly following with the Nodal Officer/Court cases concerned for (a) entering & updating of cases in the LCMS portal; (b) contempt cases; (c) filing of counters in which CMD/Govt., is/are party and also in other cases; (d) compliance of orders in which Government is a party; and (c) such other matter as is required from time to time. All Officers shall extent their fullest co-operation in this regard. Based on such inputs, the Nodal Officers shall ensure entering/updating of all cases, other than High Court/Madras cases, as well in the LCMS portal.

(xiii) The Circle/Region and other offices headed by an SE/CE and/or its equivalent rank shall make use of the Court holidays such as first/third/fifth Saturdays and other Court holidays but working day for the TANGEDCO/ TANTRANSCO for periodical reconciliation of Court cases with the Legal Section concerned.

(xiv) It is, often, seen that even for simple issues, the draft affidavit/counter affidavit approved by the Standing Counsel concerned or where there are clear-cut provisions in the Rules/Regulations/ Codes/ instructions in force, is referred to Headquarters/Legal Cell, which results in abnormal delays in filing/compliance. Therefore, except where larger policy or huge stake is involved and the Standing Counsel is also of the view that it would be appropriate that the Headquarters/Legal Cell's further scrutiny is necessary, such matters alone should be referred to Headquarters/Legal Cell. In rest of the cases, it would be suffice that the draft counter affidavit approved by the Standing Counsel, shall be fair-copied and filed before the Court.

(xv) In Circular Memo. No. 25164/C4/C42/2019-1, dated 21.05.2019, a detailed instructions were issued in the matter of (a) consideration of representation, (b) how to act when there is an interim order of injunction/ stay, (c) the requirement to ascertain the orders from the Court's official website and to take further course of action (d) issuance of notice before raising demand, etc. and (e) when a contempt of an order of the Court would arise, etc. If followed scrupulously, the cases would be defended properly/timely and also will prevent the surge in filing of cases.

(xvi) In Director(Distribution) in Memo.No.CE/Comml/EE3/AEE2/ F.SC objections/ D.855/2015 dated 28-10-2015 and Memo.No.CE/Comml/ EE3/ AEE2/F.DC objections/D. 10/ 18 dt 19-01-2018, detailed instructions have been issued in the matter of providing electricity service connection and disconnection of service, which shall be followed scrupulously.

(xvii) In Circular Memo. No. 25164/C4/C42/2019-1, dated 21.05.2019, it has been ordered to review of all cases by analyzing each case filed as to whether the litigation arise due to (1) non-adoption or improper adoption of rules/regulations/ instructions in force governing the claim/issue (2) non-providing of reasonable opportunity of hearing before making any revision/demand under the rules/regulations/Codes, (3) non-adoption of other procedures prescribed under the rules/regulations (4) handling of issues by an officer who is not competent or unconnected with the subject and (5) dereliction of duty by the officer whose is duty bound to handle the case but directing the incompetent subordinate to handle the issue. The same shall be followed scrupulously.

(xviii) The Under Secretary/Legal Section concerned will ensure that all affidavits/counter affidavits/appeals/reviews handed over to Legal Section are filed immediately and they shall be approached by the officers/ Nodal Officers concerned pertaining to cases before the High Court, Madras (Principal and Madurai Bench), City Civil Courts at Chennai and Consumer Courts at Chennai and Madurai.

2. The instructions issued shall be followed scrupulously to effectively defend the cases and also to curtail future litigations.

(BY ORDER OF CHAIRMAN-CUM-MANAGING DIRECTOR)

**G.Chinna Nagur
Legal Adviser.**

To

The Chief Engineers/TANGEDCO & TANTRANSCO.
The Superintending Engineers/TANGEDCO & TANTRANSCO.
The Chief Financial Controllers/TANGEDCO & TANTRANSCO.
The Chief Internal Audit Officer/TANGEDCO.
The Secretary/TANGEDCO.

Copy to

The Joint Managing Director/TANGEDCO.
The Managing Director/TANTRANSCO.
The Directors/TANGEDCO (Distribution, Generation, Projects, Finance)
The Directors/TANTRANSCO (Transmission Projects, Operation and Finance)
The Legal Adviser, TANGEDCO, Chennai-2.
The Company Secretary/TANGEDCO & TANTRANSCO.
The EA to CMD/TANGEDCO.
The Deputy Chief Engineer/Administrative Branch/TANGEDCO
The Deputy Secretaries/Secretariat Branch.
The Senior Personnel Officers/Administrative Branch.
The Financial Controllers/TANGEDCO at Headquarters.

The Private Secretaries to CMD, JMD, Directors, DGP, Secretary & Legal Adviser.
All Standing Counsels/TANGEDCO.

The Under Secretary/Court Cases/Chennai and Madurai.

The Assistant Legal Adviser/Legal Cell.

The Section Officers/Legal Section/Chennai & Legal Cell.

The Assistant Personnel Officer/Tamil Development.

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29.5.2020

Assistant Legal Adviser.