

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.A.No.547 of 2004
and W.A.M.P.No.969 of 2004
and W.P.No.25851 of 2003

M/s.Sri Krishna Alloys,
Rep. By the Partner. ... Appellant in WA.547/2004

M/s.A.R.Mettalurgicals (P) Ltd.,
Rep. By the Managing Director ... Petitioner in WP.25851/03

vs

1.Tamil Nadu Steel Re-Rollers Council,
35-A, Perundurai Road,
Erode. ... 1st respondent in WA.

2.The State of Tamil Nadu,
Rep. By the Secretary to Government,
Public Works Department,
Chennai. ... R1 in WP

3.The State of Tamil Nadu,
Rep. By the Secretary to Government,
Energy Department,
Fort St. George, Chennai.

4.The Tamil Nadu Electricity Board,
Rep. By its Chairman,
800, Anna Salai, Chennai. ... Respondents 2-4 in WA
& Respts 1 - 3 in WP

4.The Superintendent Engineer,
TNEB - Dharmapuri Distribution Circle,
Dharmapuri. ... 4th respondent in WP.25851/03

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 21.10.2003 passed in W.P.No.15803 of 2001 on the file of this Court and Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare the Tamil Nadu Electricity (Taxation on Consumption) Amendment Act, Act 32 of 1991, as ultra virus the Constitution of

India, illegal and invalid unenforceable in so far as the petitioners concerned and to direct the third and fourth respondents to refund the entire amount collected from (1) Petitioners in service connection number 155 under the head electricity tax and (2) Petitioners association order the head of electricity Tax.

For Appellant & Petitioner .. Mr.S.Sivanandam

For Respondents

in WA

.. No appearance for R-1

.. Mr.S.T.S.Moorthy

Govt. Pleader for RR 2 and 3

.. Mr.S.K.Rameshwar for R-4

in WP

.. Mr.S.T.S.Moorthy

Govt. Pleader for RR 1 and 2

.. Mr.S.K.Rameshwar for RR3&4

* * * * *

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

In view of the issue raised in the present writ appeal/writ petition being settled against the appellant/petitioner in terms of the Division Bench judgment in W.P.Nos.159 of 2008, etc. (batch), decided on 15.06.2012 and thereafter, the Hon'ble Supreme Court having entertained the Special Leave Appeals against the said judgment bearing Special Leave Appeal (Civil) Nos.24685 to 24719 of 2012 dated 31.08.2012, with an interim direction restraining the respondents therein from taking any coercive steps for disconnecting the supply of electricity to the premises of the petitioner therein, subject to that petitioner paying all the charges/dues except tax calculated on the basis of maximum demand, it is agreed that the present writ appeal and writ petition be disposed of in terms aforesaid, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present appellant and writ petitioner and the same interim order would continue to enure for the benefit of the writ appellant and writ petitioner during the pendency of the Special Leave Appeals.

2.Writ Appeal and Writ Petition, accordingly, stand disposed of. No costs. Consequently, W.A.M.P.No.969 of 2004 stands closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu, Public Works Department,
Chennai.

2.The Secretary to Government,
State of Tamil Nadu, Energy Department,
Fort St. George, Chennai.

3.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai.

4.The Superintendent Engineer,
TNEB - Dharmapuri Distribution Circle,
Dharmapuri.

+1 cc to Mr.S.K.Raameshwar, Advocate, Sr.26391

+1 cc to Mr.S.Sivanandam, Advocate,SR.26122

+1 cc to Government Pleader,SR.26009.

Tej (cO)
krd 10/6

W.A.No.547 of 2004 and
W.P.No.25851 of 2003



WEB COPY