

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6014 of 2004

M/s.Lumax Samlip Industries Ltd.,
G 15, Sipcot Industrial Park,
Irrungattukottai,
Sriperumbudur - 602 106. ... Petitioner

Vs.

- 1.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Energy Department, Fort St. George,
Chennai - 600 009.
- 2.Chief Electrical Inspector to the
Government, Tamil Nadu Electricity Board,
Thiru. Vi. Ka. Industrial Estate, Guindy,
Chennai - 600 032.
- 3.The Additional Chief Engineer,
Chengalpet Electricity Division Circle,
Chengalpet.
- 4.The Superintendent Engineering, CEDC,
Chengalpet Electricity Division Circle,
Chengalpet. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in impugned letter No.ACE/CEDC/CGL/AO/Rev./RCS/AS/A1/F.HT.Sc.No.354/D826/2003, dated 22/26.12.2003 and quash the same and direct the respondents and its officers to refund an amount of Rs.6,34,327/- paid as electricity tax for the period between 16.06.2003 and 05.12.2003 under protest together with interest at 12% per annum till the date of payment.

For Petitioner : Mr.C.Saravanan
For Respondents : Mrs.A.Srijayanthi,
Special Government Pleader

O R D E R

Heard Mr.C.Saravanan, learned counsel for the petitioner and Mrs.A.Srijayanthi, learned Special Government for the respondents.

2.It is not in dispute that the legal issue involved in this case is squarely covered by the decision of the Hon'ble Supreme Court in the case of Southern Petrochemical Industries Co. Ltd., Vs. Electricity Inspector & Etio and others reported in (2007) 5 SCC 447, following the said decision, this writ petition is allowed to the extent indicated in the judgment of the Hon'ble Supreme Court. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

abr

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Energy Department, Fort St. George,
Chennai - 600 009.
- 2.Chief Electrical Inspector to the
Government, Tamil Nadu Electricity Board,
Thiru. Vi. Ka. Industrial Estate, Guindy,
Chennai - 600 032.
- 3.The Additional Chief Engineer,
Chengalpet Electricity Division Circle,
Chengalpet.
- 4.The Superintendent Engineering, CEDC,
Chengalpet Electricity Division Circle,
Chengalpet.

+ 1 cc to Mr.C. Saravanan, Advocate sr.57537

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SSI(CO)
EU 8.09.17