

In the High Court of Judicature at Madras

Dated : 29.06.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

WP.No.38305 of 2003 &
WVMP.No.823 of 2004

Swastikha Agro Foods (P) Limited
1, Madurai Main Road, Manikandam,
Trichy - 620 012.
Rep. By its Manager Mr.K.Sekar

... Petitioner

Vs

1. The State of Tamil Nadu repd. By its,
Secretary to Government,
Energy Department, Fort St.George,
Chennai - 600 009.
 2. The Chief Electrical Inspector
to Government,
Thiru Vika Industrial Estate,
Guindy,
Chennai - 600 032.
 3. Tamil Nadu Electricity Board
Rep.by its Chairman,
800, Anna Salai,
Chennai - 600 002.
 4. The Superintending Engineer
Trichy Electricity Distribution Circle/Metro,
Mannarpuram, Trichy - 20.
- ... Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari, to call for
the records of the 4th respondent relating to his letter
No.SE/TEDC/M/Ty/DFC/HT/A5/F.HT.Sc.No.100/D.26650/2003 dated
15.12.2003, quash the same.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader for R1
Mr.S.K.Rameshwar for R2 to R4

ORDER

The prayer sought for in this writ petition is relating to levy of electricity tax with effect from 16.06.2003. On the very same issue, a Division Bench of this Court, passed a final order on 02.06.2005, Writ Appeal No.547 of 2004, the relevant portion of the order is extracted below :-

"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.

Writ appeal and writ petition, accordingly, stand disposed of ."

In view of the above, the present writ petition is also disposed of, in terms of the above order passed by the Division Bench. Accordingly, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government,
The State of Tamil Nadu,
Energy Department, Fort St.George,
Chennai - 600 009.
2. The Chief Electrical Inspector
Government of Tamil Nadu,
Thiru Vika Industrial Estate,
Guindy,
Chennai - 600 032.
3. The Chairman,
Tamil Nadu Electricity Board
800, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer
Trichy Electricity Distribution Circle/Metro,
Mannarpuram, Trichy - 20.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.45929

SS(CO)
CS/14/07/17

Writ Petition No.38305 of 2003



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