

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P. No.7164 of 2009

and

MP Nos.1 of 2009 and 1 of 2010

The South India Small Spinners Association,
Rep. by its President,
Mr.G. Soundararajan

... Petitioner

Vs.

1. The Superintending Engineer,
Coimbatore Electricity Distribution Circle (Metro),
Tatabad,
Coimbatore.
 2. The Chief Engineer,
Coimbatore Electricity Distribution,
Circle, Tatabad,
Coimbatore - 641 012.
 3. The Chairaman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.
 4. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Energy Department,
Fort St. George,
Chennai - 600 009.
- सत्यमेव जयते... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from demanding or collecting belated payment surcharge on electricity tax in pursuance of the order of the Tamil Nadu Electricity Ombudsman, dated 12.05.2006 in O.P. No.2 of 2006.

For Petitioner : Mr.M.Kamalanathan
For Respondents 1 to 3 : Mr.S.K. Rameshwar

O R D E R

This writ petition has been filed to forbear the respondents from demanding or collecting surcharge on belated payment of electricity tax in pursuance of the order of the Tamil Nadu Electricity Ombudsman, dated 12.05.2006 in O.P. No.2 of 2006.

2. When the matter was taken up for hearing, the learned counsel on either side, produced a Memo, bearing No.CFC/REV/FC/REV/DFC/A2.3/REV.D. No.302/16, dated 23.11.2016 issued by TANGEDCO, Chennai - 2, wherein, at paragraph 12, it has been stated as under :-

12. Hence, all the Superintending Engineers of Distribution circles are hereby informed not to collect BPSC on E. Tax before 01.09.2004 and the BPSC on E. Tax collected prior to 01.09.2004, if any may refunded in the ensuing C.C. bill. However, the consumer is bound to pay, not exceeding 12% p.a. as interest for the belated payment of tax before / after 01.09.2004.

3. In the light of the averments so made in the aforesaid Memo, this Court is of the view that it is unnecessary to pursue this writ petition. Hence, recording the same, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vsi2

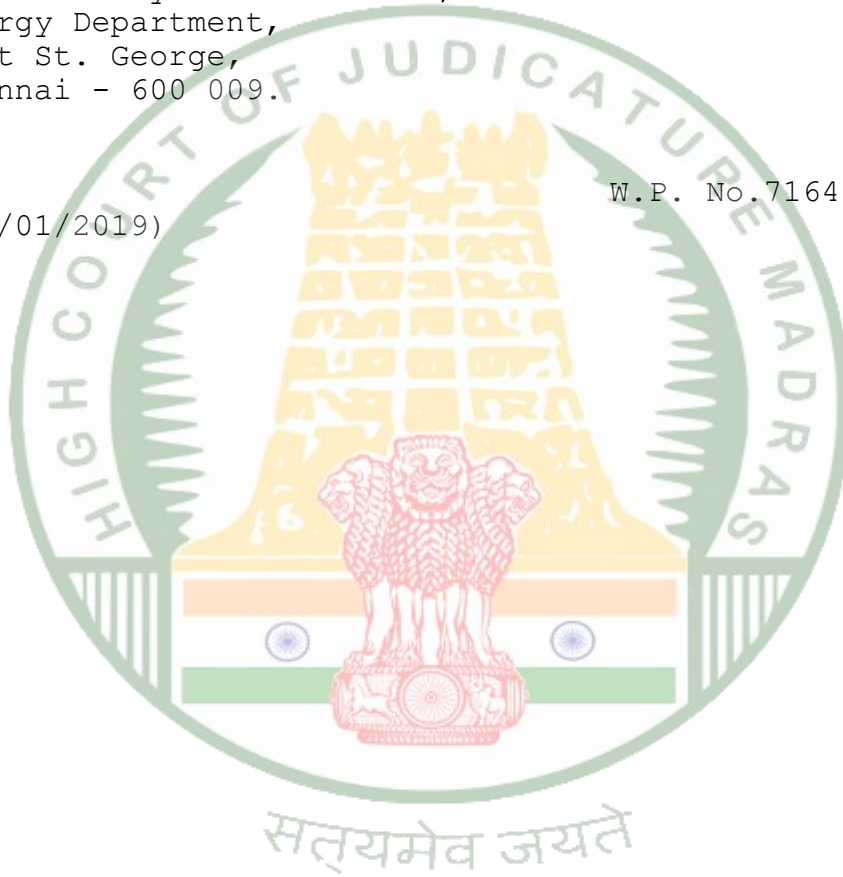
To

1. The Superintending Engineer,
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Tatabad,
Coimbatore.

2. The Chief Engineer,
Coimbatore Electricity Distribution,
Circle, Tatabad,
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4. The Secretary to Government,
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Chennai - 600 009.

A.SK(31/01/2019)

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