

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 22693 & 22694 of 2007

M/s.NGA Steels (P) Ltd.,
Rep. by the Managing Director,
Pappakadu, Karukkampalayam Village,
Morur, Sankari Taluk,
Salem District - 637 304. ..Petitioner in WP.No.23693 of 2007

M/s.Sri Krishna Alloys,
Rep. by the Partner,
262/1-B-2, Manjakkalpatty Village,
Akkampet (PO),
Sankari Taluk,
Salem District - 637 301. ..Petitioner in WP.No.23694 of 2007

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Govt.,
Department of Energy,
Fort St.George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Electricity Board
800, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TENB - Mettur Distribution Circle,
Mettur Dam. .. Respondents in both WP.Nos.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents one to three to give effect to the order of Supreme Court in C.A.2551 of 2007 dated 15.05.2007 by not levying electricity taxes on demand charges, pass revised demand of electricity tax, excluding tax on demand charges and corresponding BPSC for tax on demand charges and refund the electricity taxes collected on demand charges with BPSC.

For Petitioners in both WP.Nos.: Mr.S.Sivanandam

For Respondents in both WP.Nos.: Mr.K.Bhuvaneswari,
Additional Government Pleader
for R1

Mr.P.R.Dhilipkumar
for R2 & R3

C O M M O N O R D E R

Since the prayer in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed.

2. The above Writ Petitions are filed for issuance of a writ of Mandamus, directing the respondents one to three to give effect to the order of Supreme Court in C.A. 2551 of 2007 dated 15.05.2007 by not levying electricity tax on demand charges, pass revised demand of electricity tax, excluding tax on demand charges and corresponding BPSC for tax on demand charges and refund the electricity taxes collected on demand charges with BPSC.

3. In view of the issue raised in the present writ petition being settled against the petitioner in terms of the Division Bench Judgment in WP.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 the maximum demand, it is agreed that the present writ petition be disposed of in terms aforesaid, with an 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 petitioners during the pendency of the Special Leave Appeals.

4. The petitioners are directed to make a representation to the concerned respondent with respect to the present impugned order. However, it is made clear that the benefit enuring to the writ petitioners is subject to the result of the Special Leave Petition before the Hon'ble Supreme Court of India.

5. Accordingly, the writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The State of Tamil Nadu,
Rep. by the Secretary to Govt.,
Department of Energy,
Fort St.George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Electricity Board
800, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TENB - Mettur Distribution Circle,
Mettur Dam.

+2 ccs to M/s.S.Rajesh, Advocate, S.R.No.46663, 46660

W.P.Nos.22693 & 22694 of 2007

BP (CO)
SSM(24/07/2019)

सत्यमेव जयते

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