

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.35169 and 35170 of 2007

1. M/s. Viki Industries P.Ltd.,
Represented by its Director
Sri Gowtham Reddy,
No.12, I Cross Street,
C.I.T. Colony,
Mylapore, Chennai. ... Petitioner in W.P.No.35169 of 2007
 2. M/s. Triveni Alloys Ltd.,
represented by its Director
Ashok Kumar Goel
No.10/11, Plot No.3,
Krubasankar Street,
W. Mambalam, Chennai. ...Petitioner in W.P.No.35170 of 2007
- .Vs.
1. The State of Tamil Nadu
represented by the Secretary to Govt.,
Department of Energy, Fort. St.George,
Chennai - 600 009.
 2. The Tamil Nadu Electricity Board,
represented by the Chairman,
No.800, Anna Salai, Chennai - 600 002.
 3. The Superintending Engineer (North)
Tamil Nadu Electricity Board,
No.800, Anna Salai, Chennai - 600 002.
- ...Respondents in all W.Ps

Common Prayer: This writ Petitions have been filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the respondents from levying, demanding or collecting electricity tax on charges other than current consumption charges, such as maximum demand charges, peak hour charges etc, as laid down by the Hon'ble Supreme Court

in its decision reported in 2007(3) CTC 273 in the case of SPIC -Vs-Ele.Inspector & others, in respect of the H.T.S.C.No.1599 of the petitioner.

(In all the petitions)

For Appellant : Mr.K. Jayachandran

For Respondent-1: Mr.J. Ramesh
Additional Government Pleader

For Respondent
-2 & 3 : Mr.P.R. Dilip Kumar

COMMON ORDER

These writ petitions have been filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the respondents from levying, demanding or collecting electricity tax on charges other than current consumption charges, such as maximum demand charges, peak hour charges etc, as laid down by the Hon'ble Supreme Court in its decision reported in 2007(3) CTC 273 in the case of SPIC -Vs-Ele.Inspector & others, in respect of the H.T.S.C.No.1599 of the petitioner.

2. In view of the issue raised in these writ petitions being settled against these petitioners 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 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 if petitioner paying all the charges /dues except tax calculated on the basis of maximum demand, it is agreed that these present writ petitions be disposed of in the terms aforesaid, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme court would also govern the present petitioners and the same interim order would continue to enure for the benefit of these writ petitioners during the pendency of the special leave appeals.

3. Accordingly, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

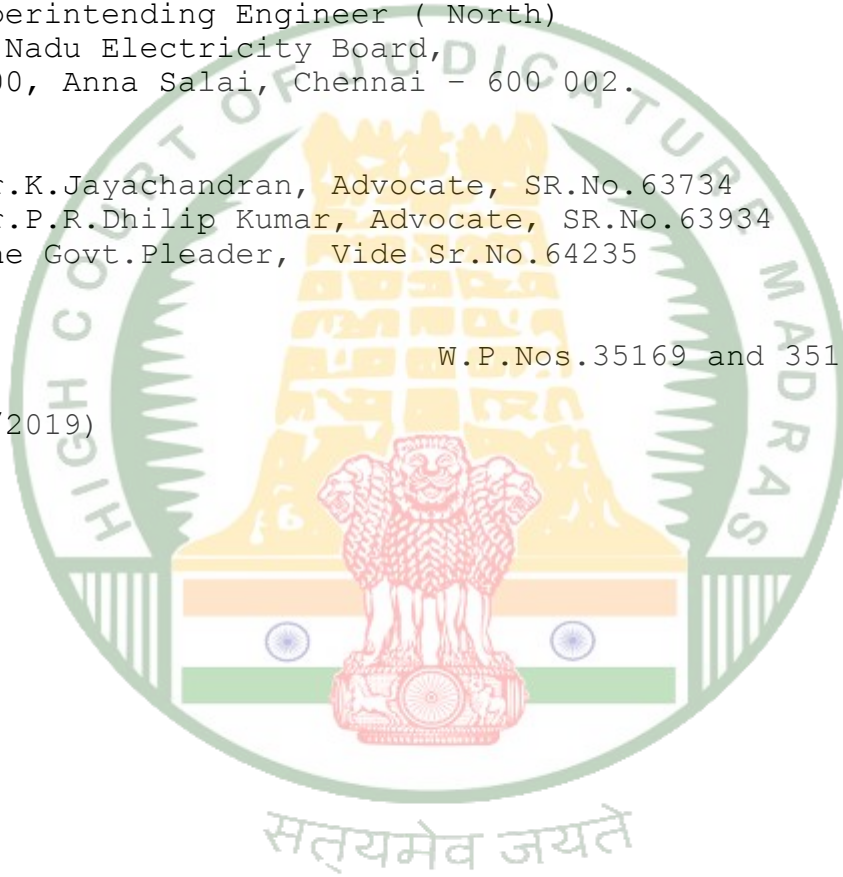
To

1. The Secretary to Government
State of Tamil Nadu ,
Department of Energy, Fort. St.George,
Chennai - 600 009.
2. The Tamil Nadu Electricity Board,
represented by the Chairman,
800, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer (North)
Tamil Nadu Electricity Board,
No.800, Anna Salai, Chennai - 600 002.

+1cc to Mr.K.Jayachandran, Advocate, SR.No.63734
+1cc to Mr.P.R.Dhilip Kumar, Advocate, SR.No.63934
+1cc to the Govt.Pleader, Vide Sr.No.64235

W.P.Nos.35169 and 35170 of 2007

Kak(18/09/2019)



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