

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21197,21198 and 21199 of 2008

1. Subadra Spinning Mills (P) Limited,
Vinnavanur - 600 704, Chengam Taluk,
Thiruvannamalai District,
represented by its
Director V.S. Rajagopal .. Petitioner in W.P.No.21197 of 2008
 2. Siva Cotton Mills (India) Limited,
Ht. SC.No. 138
No.21, Aambakkam main Road,
Guindy, Chennai-600 032,
represented by its Director
P. Nagaraj ..Petitioner in W.P.No.21198 of 2008
 3. D.S.Metals (P) Limited
A. 15S, SIPCOT Industrial Complex,
Gummidipoondi, Chennai
represented by its Director
Rajiv Goyal ..Petitioner in W.P.No.21199 of 2008
- .Vs.
1. The State of Tamil Nadu Electricity Board,
represented by the Chairman,
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. .Respondents in all W.Ps

Common Prayer: These writ Petitions have been filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to refund the electricity tax collected on maximum demand charges from the petitioner for the period from 01.09.1991 to 15.06.2003 with 12% interest per annum from the date of collection till the date of refund in accordance with the decision of the Hon'ble Supreme Court in Civil Application No.2251 of 2007 etc., batch cases dated 15.05.2007, as reported in 2007(3) CTC 273.

(In all the petitions)

For Appellant : Mr.R.S. Pandiyaraj
For Respondent-1 : Mr.J. Ramesh
Additional Government Pleader
For Respondent-2 : S.K.Raameshwar

COMMON ORDER

These writ petitions have been filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to refund the electricity tax collected on maximum demand charges from the petitioner for the period from 01.09.1991 to 15.06.2003 with 12% interest per annum from the date of collection till the date of refund in accordance with the decision of the Hon'ble Supreme Court in Civil Application No.2251 of 2007 etc., batch cases dated 15.05.2007, as reported in 2007(3) CTC 273.

2. In view of the issue raised in these present writ petitions being settled against the 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 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 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 the writ petitioners during the pendency of the special leave appeals.

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

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

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To.

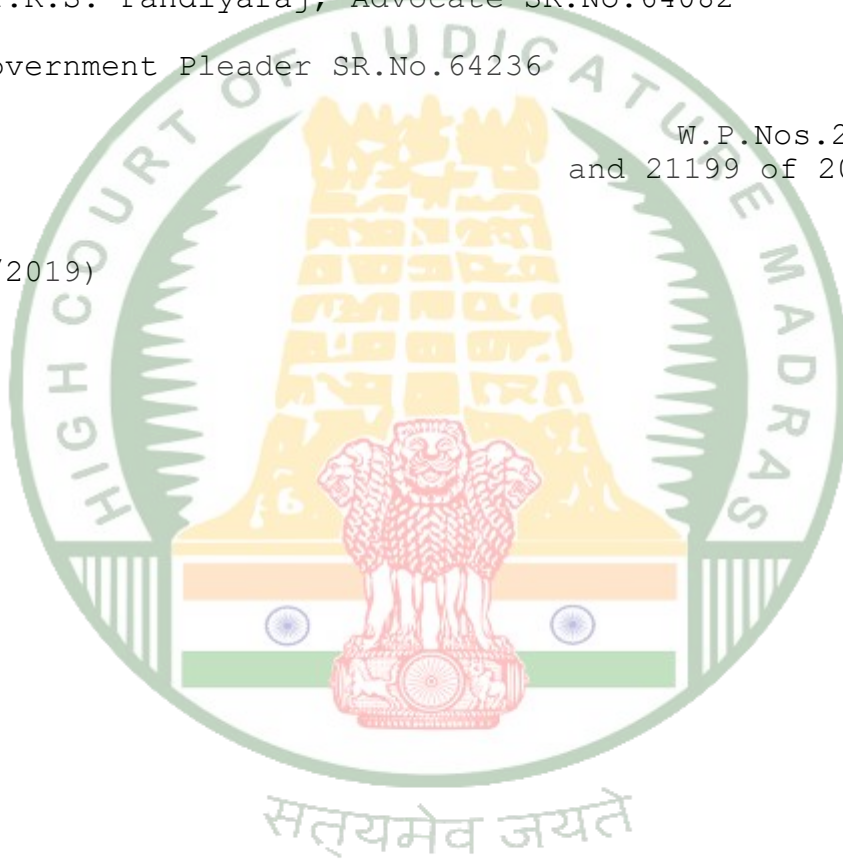
1. The State of Tamil Nadu Electricity Board,
represented by the Chairman,
Department of Energy, Fort. St.George,
Chennai - 600 009.
2. The Tamil Nadu Electricity Board,
represented by the Chairman,
800, Anna Salai, Chennai - 600 002.

+1cc to Mr.R.S. Pandiyaraj, Advocate SR.No.64082

+1cc to Government Pleader SR.No.64236

W.P.Nos.21197,21198
and 21199 of 2008

RV (CO)
GMY (30/08/2019)



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