

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2019

CORAM

The Honourable Mr. Justice M.DHANDAPANI

W.P.Nos.22780 to 22782 of 2008

& 23702 to 23706 of 2008

1. Heritage Stones,
Nagichattypatty Road, Sankari R.S.-637302,
Salem District
Represented by its Managing Partner
T.N.Kalaimani ...Petitioner in WP.No.22780/2008
2. Sun Paper Mill Limited,
P.B.2, Cheranmahadevi-627414
Tirunelveli District
Represented by its Finance Manager & Secretary
G.Viswanathan ...Petitioner in WP.No.22781/2008
3. Indus Steels and Alloys Limited,
Thally Road, Kalukondapally P.O.,
Denkanikottai Taluk, Kalukondapally-635114,
Dharmapuri District,
Represented by its Director
D.Venkatesh Gupta ...Petitioner in WP.No.22782/2008
4. Sri Nachammai Cotton Mills Limited-A Unit,
HT SC No.6 SEDC,
No.30, Sugavaneswara Road, Balaji Nagar,
Salem-636004,
Represented by its Chairman-cum-Managing Director
P.Palaniappan ...Petitioner in WP.No.23702/2008
5. Sri Dwarka Textiles,
HT SC No.146, CEDC,
3/161, Ponnandampalayam,
Kaniyur Post, Avinashi Taluk,
Coimbatore District,
Represented by its Executive Director
Manojkumar Tibrewal ...Petitioner in WP.No.23703/2008
6. Hari Alloys (P) Ltd,
(formerly Hari Metal and Alloys),
Periyamadagondapally,
Denkanikottai, Dharmapuri District,
Represented by its Manager
Naik ...Petitioner in WP.No.23704/2008

7. Gangotri Textiles Limited, Unit-IV,
HT SC No.275, DEDC,
Regd. Office: 473/2, P.K.D Nagar,
Peelamedu, Coimbatore,
Represented by its Managing Director,
Manojkumar Tibrewal. ...Petitioner in WP.No.23705/2008

8. Gangotri Textiles Limited, Unit-I,
HT SC No.122, CEDC,
S.F.No.496A/497, Kaduvettipalayam Post,
Karumathampatty, Palladam Taluk,
Coimbatore District,
Represented by its Managing Director,
Manojkumar Tibrewal. ...Petitioner in WP.No.23706/2008

Versus

1. The State of Tamil Nadu,
Represented by the Secretary,
Department of Energy,
Fort St.George,
Chennai - 600009.

2. The Tamil Nadu Electricity Board,
Represented by the Chairman,
800, Anna Salai,
Chennai - 600002. ...Respondents in all WPs

COMMON PRAYER IN WP.Nos.22780, 22781, 23702, 23703, 23704, 23705 & 23706/2008: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct 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.

PRAYER IN WP.No.22782/2008: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to refund the electricity tax collected on Maximum Demand charges from the petitioner for the period from 01.11.1997 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.

For Petitioners:Mr.R.S.Pandiyaraj
(in all WPs)

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader for R1
Mr.S.K.Rameshwar for R2
(in all WPs)

C O M M O N O R D E R

In view of the fact that the issue raised in the present writ petitions is being settled 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 petitioners therein, subject to the petitioners 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 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.

2. Writ Petitions, accordingly, stand disposed of, with the observation that the relief sought for in the present writ petitions and any refund thereof would be subject to the outcome of the Special Leave Appeals before the Supreme Court. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary, State of Tamil Nadu,
Department of Energy,
Fort St.George,
Chennai - 600009.

2. The Chairman, Tamil Nadu Electricity Board,
800, Anna Salai, Chennai - 600002.

+1 cc to M/s.R.S.Pandiyaraj, Advocate, Sr.No. 46753

+1 cc to The Government Pleader, Sr.No. 46916

W.P.Nos.22780 to 22782 of 2008
and 23702 to 23706 of 2008

CSL/15.07.2019



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