

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2019

CORAM

The Honourable Mr.Justice M.DHANDAPANI

W.P.Nos.28587 to 28590 and 28616 & 28617 of 2008
and
W.P.M.P.Nos.1, 1, 1, 1, 1 and 1 of 2008

Krishna Engineering & Co (P) LTD.,
Represented by its Managing Director,
D-1, BHEL Ancillary Industrial Estate,
Tiruverumbur,
Tiruchirapalli - 620014. ...Petitioner/Petitioner
in W.P.Nos.28587 & 28588/2008

Goodwill Team Papers Limited,
Represented by its Administrative Officer,
Team Garden Uthappanaickanur - 626537,
Usilampatti (T.K), Madurai (Dist). ...Petitioner
in W.P.Nos.28589 & 28590/2008

M/s. Aquapump Industries,
Represented by its Managing Partner,
Tudiyalur Post,
Coimbatore - 641034. ...Petitioner
in W.P.Nos.28616 & 28617/2008

Versus

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Energy Department, Fort St. George, Chennai.
2. The Tamil Nadu Electricity Board,
Represented by its Chairman,
Anna Salai, Chennai.
3. The Superintending Engineer,
Trichy Electricity Distribution Circle,
Metro, Trichy - 600020. ...Respondents
in W.P.Nos.28587 & 28588/2008

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Energy Department,
Fort St. George, Chennai.
2. The Tamil Nadu Electricity Board,
Represented by its Chairman,
Anna Salai, Chennai.
3. The Superintending Engineer, TNEB,
Madurai Electricity Distribution Circle,
K.Pudur, Madurai - 7. ...Respondents
in W.P.Nos.28289 & 28590/2008

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Energy Department,
Fort St. George, Chennai.
2. The Tamil Nadu Electricity Board,
Represented by its Chairman,
Anna Salai, Chennai.
3. The Superintending Engineer,
Coimbatore Electricity Distribution Circle (North),
Tatabad, Coimbatore - 641012. ...Respondents
in W.P.Nos.28616 & 28617/2008

COMMON PRAYER in WP.Nos.28587 & 28589/2008: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare the provisions of the Tamil Nadu Tax on Consumption or Sale of Electricity (Amendment) Act, 2007 (Act No.38 of 2007) to be illegal, void and ultra vires provisions of the Constitution of India.

PRAYER in WP.No.28588/2008: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to refund of their HT service connection bearing No.68 the Electricity Tax levied on maximum demand levied under the provisions of the Tamil Nadu Tax on Consumption or Sale of Electricity Act 2003 as amended by the Tamil Nadu Tax on Consumption or Sale of Electricity (Amendment) Act, 2007 (Act No.38 of 2007).

PRAYER in WP.No.28590/2008: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to refund or adjust against the future bills of the petitioner's unit in respect of their HT service connection bearing No.150 the Electricity Tax levied on

maximum demand levied under the provisions of the Tamil Nadu Tax on Consumption or Sale of Electricity Act 2003 as amended by the Tamil Nadu Tax on Consumption or Sale of Electricity (Amendment) Act, 2007 (Act No.38 of 2007).

PRAYER in WP.No.28616/2008: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to refund or adjust against the future bills of the petitioner's unit bearing HT service connection No.66 the Electricity Tax levied on maximum demand levied under the provisions of the Tamil Nadu Tax on Consumption or Sale of Electricity Act 2003 as amended by the Tamil Nadu Tax on Consumption or Sale of Electricity (Amendment) Act, 2007 (Act No.38 of 2007).

PRAYER in WP.No.28617/2008: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare the provisions of the Tamil Nadu Tax on Consumption or Sale of Electricity (Amendment) Act, 2007 (Act No.38 of 2007) to be illegal, void and ultra vires provisions of the Constitution of India.

For Petitioners: Mr.R.Kumar
(in WP.Nos.28587 to 28590/2008)
Mr.N.L.Rajah
(in WP.Nos.28616 & 28617/2008)

For Respondents: Mr.J.Ramesh
Additional Government Pleader
(in all WPs)

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. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. Secretary to Government,
The Government of Tamil Nadu,
Energy Department,
Fort St. George, Chennai.
2. The Tamil Nadu Electricity Board,
Represented by its Chairman,
Anna Salai, Chennai.
3. The Superintending Engineer,
Trichy Electricity Distribution Circle,
Metro, Trichy - 600020.
4. The Superintending Engineer, TNEB,
Madurai Electricity Distribution Circle,
K.Pudur, Madurai - 7.
5. The Superintending Engineer,
Coimbatore Electricity Distribution Circle (North),
Tatabad, Coimbatore - 641012.

+1 CC to Govt. Pleader sr 48666, 48667, 47491.

W.P.Nos.28587 to 28590 and 28616 & 28617 of 2008
and
W.P.M.P.Nos.1, 1, 1, 1, 1 and 1 of 2008

VBA(CO)
SP(22/07/2019)