



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.9359 of 2009

M/s.Jai Hind Spinning Mills Limited,
Rep. by the Director,
Mill at Pachal Village,
Puduchathiram Post,
Namakkal District - 637018.

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary,
Department of Energy,
Fort St. George,
Cehnnai - 600 009.

2. The Tamil Nadu Electricity Board,
Rep. by the Chairman,
800, Anna Salai,
Chennai - 600 002.

3. The Superintending Engineer,
TNEB-Namakkal Electricity Distribution Circle,
Namakkal.

.. Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents one to three to follow the Supreme Court decision in Civil Application 2551/2007 etc. batch cases dated 15.05.2007 batch reported in 2007 (3) CTC 273 and refund the electricity tax collected on Maximum Demand Charges in HT SC No.113 from the petitioners for the period from April 2002 till June 2003 with 18% interest from the date of collection till the date of refund.

For Petitioner : Mr.S.Sivanandam

For Respondents : Mr.S.K.Rameshwar
(for R2 and R3)
MRs.K.Bhuvaneswari (for R1)



O R D E R

The relief sought for in this writ petition is to direct the respondents to follow the Supreme Court decision in Civil Application 2551/2007 etc. batch cases dated 15.05.2007 batch reported in 2007 (3) CTC 273 and refund the electricity tax collected on Maximum Demand Charges in HT SC No.113 from the petitioners for the period from April 2002 till June 2003 with 18% interest from the date of collection till the date of refund.

2. In view of the issue raised in the present writ petition being settled against the petitioner in terms of the Division Bench Judgment in W.P.Nos.159 of 2008 (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 petition be disposed of in terms of aforesaid, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present writ petitioner and the same interim order would continue to enure for the benefit of the writ petitioner during the pendency of the Special Leave Appeals.

3. With the above observation, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vum

To

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



3. The Superintending Engineer,
TNEB-Namakkal Electricity Distribution Circle,
Namakkal.

+1cc to Mr.S.Sivanandam, Advocate, S.R.No.56255

+1cc to the Government Pleader, S.R.No.56472

W.P.No.9359 of 2009

VSNII (CO)
CS/10/09/2019