

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.23942 AND 24666 OF 2011

AND

M.P.NOS.1 AND 1 OF 2011

Manneswar Textiles Private Limited,
81/1, Sathy Main Road, Annur,
Coimbatore 641 653
Rep by its Managing Director,
P.Ganesan

... Petitioner in
W.P.No.23942 of 2011

Tirupur Export Knitwear
Industrial Complex, HTSC 215, T-nagar,
Mudalipalayam Village,
Tirupur, Rep by its President,
K.Manthrachalam.

... Petitioner in
W.P.No.24666 of 2011

Vs

1. The State of Tamil Nadu
Rep by Secretary to Government,
Energy Department,
Fort St. George,
Chennai 600 009.

2. Tamil Nadu Electricity Board,
Rep by its Chairman,
144, Anna Salai,
Chennai 600 002.

3. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tirupur 641 603.

... Respondents in both W.Ps.

PRAYER in W.P.No.23942 of 2011:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, call the records of the 3rd Respondent in his letter No.SE/ TEDC/ TPR/ DFC/ AAO/ HT SC.No.35/ D/2011 dated 29.09.2011 for the impugned demand of Rs.49,287/- quash the same in so far as it relates to levying

and collection of tax on other than actual consumption of Electricity as illegal, arbitrary, without the authority of law and against the orders of the Hon'ble Supreme Court.

PRAYER in W.P.No.24666 of 2011:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified Mandamus, call the records of the 3rd Respondent in his letter No.SE / TEDC/ TPR/ DFC/ AAO/ HT SC No.215/ D/ 2011 dated 09.2011 for the impugned demand of Rs.3,10,363.2/- quash the same in so far as it relates to levying and collection of tax on another than actual consumption of Electricity as illegal, arbitrary, without the authority of law and against the orders of the Hon'ble Supreme Court.

(In both WPs)

For Petitioner : Mr.S.Sairaman

For Respondents: Mr.S.K.Rameshwar

COMMON ORDER

These writ petitions have been filed to call the records of the 3rd Respondent in his letter No.SE/ TEDC/ TPR/ DFC/ AAO/ HT SC.Nos.35/ D/2011 and 215/ D/ 2011 respectively dated 29.09.2011 & 09.2011 for the impugned demand of Rs.49,287/- and Rs.3,10,363.2/- respectively quash the same in so far as it relates to levying and collection of tax on other than actual consumption of Electricity as illegal, arbitrary, without the authority of law and against the orders of the Hon'ble Supreme Court.

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,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 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 the terms aforesaid, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present 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. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vkrr

To

1. The Secretary Government of Tamil Nadu
Energy Department,
Fort St. George,
Chennai 600 009.
2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai 600 002.
3. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tirupur 641 603.

+2cc to Mr.S.Sairaman, Advocate, S.R.No.75833, 75832
+1cc to the Government Pleader, S.R.No.76179

W.P.Nos.23942 and
24666 of 2011 and
M.P.Nos.1 and 1 of 2011

RSV(CO)
CS/30/10/2019

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