

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6583 of 2012

M/s.Smartinds.,
Reg. No.495 of 2004,
Rep. By Authorized Signatory
Mr.M.V.Chandrasekar,
No.6, 1st cross Road,
Kasthuri Bai Nagar,
Adyar, Chennai - 16.

.. Petitioner

Vs

1.The State of Tamil Nadu,
Rep. By Secretary to Govt.,
Energy Department,
Fort St. George, Chennai - 9.

2.The Tamil Nadu Electricity Board,
Rep. By its Chairman,
800, Anna Salai,
Chennai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of declaration to declare that the provisions of the Tamil Nadu Tax on Consumption of Sale of Electricity Amendment Act, (Tamil Nadu Act 38 of 2007) as unconstitutional, beyond the legislative competence, and violative of Article 14 of the Constitution of India.

For petitioner : Mr.T.K.Bhaskar

For R1 : Mr.S.Suresh Kumar, GA

For R2 :Mr.S.K.Raameshuwar, standing counsel TNEB

ORDER

M/s.Smartinds, Adyar, Chennai, has filed this writ petition seeking to declare that the provisions of the Tamil Nadu Tax on Consumption of Sale of Electricity Amendment Act, (Tamil Nadu Act 38 of 2007) as unconstitutional, beyond the legislative competence, and violative of Article 14 of the Constitution of India.

2. When the matter was taken up, learned standing counsel appearing for the second respondent fairly submitted that the issue raised in the present writ petition has been answered in favour of the consumers by this Court vide order dated 10.07.2019 passed in W.P.No.14374 of 2009 by following the judgment passed by the Hon'ble Division Bench in W.P.Nos.159 of 2008 etc (batch), dated 15.06.2012. Against the judgment of the Hon'ble Division Bench, when SLPs were preferred, the Hon'ble Apex Court, vide order dated 31.08.2012 passed in SLP(C) Nos.24685 to 24719 of 2012 etc (batch), passed the following order:-

"In the meantime, the respondents are restrained from taking any coercive steps for disconnecting supply of electricity to petitioners' premises, subject to the petitioners' paying all the charges/dues except the tax calculated on the basis of maximum demand. "

3. In the light of the above order passed by the Hon'ble Apex Court, no purpose would be served in keeping this writ petition pending and therefore, the writ petition stands disposed of subject of the result of the SLPs pending before the Hon'ble Apex Court. No Costs. M.P.No.1 of 2012 is closed.

Sd/-

Assistant Registrar(CJ Conf)

//True copy//

Sub Assistant Registrar

rkm

To

1.The Secretary to Govt.,
Energy Department,
Fort St. George, Chennai - 9.

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

+1cc to Government Pleader SR.No.77379

W.P.No.6583 of 2012

MR (CO)

GMV(11/10/2019)