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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.07.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21902 of 2019
and WMP.Nos.21117 & 21119 of 2019

Saravan Fab India Exports Pvt. Ltd,
HTSC No.434,
S.F.No.62/3, 62/4B, Gangapuram Village,
Chithode Post, Erode,
Repd. By its Authorized Signatory,
P.K.Deepak. ... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Energy Department,
Fort St. George,
Chennai-600 009.
- 2.The Chairman and Managing Director,
TANGEDCO Ltd.,
144, Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
TANGEDCO,
Erode Electricity Distribution Circle,
Erode. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the 2nd and 3rd respondents, from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.No.434, as per the order of the Hon'ble Supreme Court of India, New Delhi on 31.08.2012 in SLP(c) No.24993 of 2012 and 25522 of 2012 etc. batch in M/s.Sri Krishna Alloys & Etc. Vs.Union of India and others etc.

For Petitioner : Mr.R.S.Pandiyaraj
For Respondents: Ms.P.Rajalakshmi,
Additional Government Pleader (for R1)



Mr.S.K.Rameshwar
Standing Counsel (TANGEDCO)

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O R D E R

By consent of both sides counsel, this writ petition is taken up for disposal at the admission stage itself.

2.This writ petition has been filed seeking Mandamus, forbearing the 2nd and 3rd respondents, from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.No.434, as per the order of the Hon'ble Supreme Court of India, New Delhi on 31.08.2012 in SLP(c) No.24933 of 2012 and 25522 of 2012 etc. batch in M/s.Sri Krishna Alloys & Etc. Vs.Union of India and others etc.

3.The issue raised in the present petition is being settled against the petitioner in terms of the Division Bench Judgment in W.P.Nos.159 of 2008 and 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.

4.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Chairman and Managing Director,
TANGEDCO Ltd.,
144, Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
TANGEDCO,
Erode Electricity Distribution Circle,
Erode.

+1cc to Mr.R.S.Pandiyaraj , Advocate SR.No.63630
+1 cc to Government Pleader Sr.No. 63856

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A.SK(21/08/2019)