

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.10836 of 2015 and
M.P. No. 1 of 2015

M/s.Kanishk Ferrous and Energy Ltd.,
H.T.Sc.1875,
F14, SIPCOT Industrial Complex,
Gummidipoondi
Tiruvallur District - 601 201.
Rep by its Director
Mr.Ashutosh Goenka

... Petitioner

v.

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 Ltd.,
Chennai Electricity Distribution Circle
144, Anna Salai, Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, forbearing the 2nd and 3rd respondents from demanding and collecting the tax on maximum demand charges from the petitioner, M/s.Kanishk Ferrous and Energy Ltd., H.T.Sc.1875, as per the orders 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 & Others Vs. Union of India & Others and requested in the representation dt.31.3.2015 sent by the petitioner.

For Petitioner : Mr.K.Seshadri

For Respondents: Mrs.A.Madhumathy
Special Government Pleader - R1

Mr.P.R. Dilip Kumar
Standing Counsel - R2 & R3

O R D E R

The petitioner has filed the above writ petition for issuance of Writ of Mandamus, forbearing the respondents 2 and 3, from demanding and collecting the tax on maximum demand charges from the petitioner, as per the orders of the Hon'ble Supreme Court dated 31.08.2012 in SLP(C) No.24993 of 2012 and 25522 of 2012 etc., batch in M/s.Sri Krishna Alloys & Others Vs. Union of India & Others.

2. When the writ petition is taken up for hearing Mr.K.Seshadri, learned counsel appearing for the petitioner submitted that the issue involved in the present writ petition is pending before the Hon'ble Supreme Court in Civil Appeal No.11505 of 2018, and the Hon'ble Supreme Court had also granted an order of interim injunction, restraining the respondents therein from taking any coercive steps for disconnecting supply of electricity to the premises of the petitioner therein, subject to the petitioner paying all charges/dues except the tax calculated on the basis of maximum demand.

3. The learned counsel had placed reliance on the judgment of this Court in M/s.Sri Krishna Alloys (in W.A.No.547 of 2004) and WP.No.28581 of 2003 (M/s.A.R.Metallurgicals (P) Ltd.,) wherein, in view of the Civil Appeal filed by them and the same is pending before the Supreme Court, the First Bench of this Court by order dated 02.06.2015, has disposed of the Writ Appeal in W.A.No.547 of 2004 and Writ Petition in W.P.No.25851 of 2003, with an agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present appellant and writ petitioner, the same interim order would continue to enure to the benefit of the appellant and the writ petitioner, due to the pendency of the Special Leave Appeals.

4. The learned counsel appearing on either side submitted that the said interim order may be passed in the present writ petition, subject to the result in the Civil Appeals pending before the Supreme Court.

5. The learned counsel appearing for the petitioner submitted that the order passed by the First Bench of this Court may be passed in the present Writ Petition also, to which, Mr.P.R. Dilip Kumar, learned Standing Counsel for TNHB had consented to it.

6. Having regard to the submissions made by the learned counsel on either side and considering the fact that the Civil Appeal in 11505 of 2018, is pending before the Hon'ble Supreme Court, the present Writ Petition is disposed of with an agreement that the ultimate fact of the matter before the Hon'ble Supreme Court would also govern to the present writ petitioner and there shall be an order of interim injunction

restraining the respondents from taking any coercive steps for disconnecting the electricity supply to the premises of the petitioner therein, subject to the petitioner paying all charges/dues except the tax calculated on the basis of maximum demand. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To:

- 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 Ltd.,
Chennai Electricity Distribution Circle
144, Anna Salai, Chennai - 600 002.

+1 cc to Mr.K.Seshadri, Advocate,sr.33318

+1 cc to Government Pleader,sr.33073

nr(co)
krd 3/11

सत्यमेव जयते

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