

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.24276 of 2016

and WMP.Nos.20749 & 20750 of 2016

M/s.Sakthi Steel Industries Ltd.,
H.T.Sc.314
SF.No.223 & 233
Amaravathy Pattinam Village
Kattangularam Panchayat - O
Kancheepuram District
Rep by its Manager
Mr.V.Vaigundhan

... 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 Ltd.,
Kancheepuram Electricity Distribution Circle
Kancheepuram.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, forbearing the second and third respondent from demanding and collecting the tax on maximum demand charges from the petitioner, M/s.Sakthi Steel Industries Ltd., H.T.Sc.No.314, 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.

For Petitioner : Mr.A.R.Karthik Lakshmanan
For Mr.K.Seshadri

For Respondents: Mrs.A.Madhumathy
Special Government Pleader for R1
Mr.P.Gunaraj
Standing Counsel for TNEB [R2]

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.A.R.Karthik, 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 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.

3. 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.

4. 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.Gunaraj, learned Standing Counsel for TNHB had consented to it.

5. 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 a 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, subject to the petitioner paying all charges/dues except the tax calculated on the basis of maximum demand. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//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.,
Kancheepuram Electricity Distribution Circle
Kancheepuram.

+1cc to Mr.K.Seshadri, Advocate in SR.NO..30541

W.P.No.24276 of 2016

pvs (co)
rv(29/9/2020)