



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.7040 OF 2018

AND

W.M.P.NOS.8707 & 8708 OF 2018

M/s.Chakravarathy Fabric (P) Limited
HTSC No.353,
S.F.No.123/2, Oviyampalayam,
P.Velur Taluk, Namakkal, Represented
by its Authorized Signatory S.Deepan Chakravarthy ...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,
Namakkal Electricity Distribution Circle,
TANGEDCO, Namakkal. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue 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.353, 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 & Etc. Vs. Union of India and others etc.

For Petitioner : M/S.R.S.Pandiyaraj

For R1 : Mr.V.Nanmaran
Additional Government Pleader

For R2&3 : Mr.Abul Kalam
Standing Counsel



ORDER

The petitioner has filed this Writ Petition seeking for a direction, forbearing the respondent/TANGEDCO from demanding and collecting the maximum charges from the petitioner, in the light of the interim order passed by the Hon'ble Supreme Court, dated 31.08.2012 in SLP (C) No.24993 of 2012 and 25522 of 2012 batch in the case of M/s. Sri Krishna Alloys & Etc. Vs. Union of India and others etc.

2. Mr.R.S.Pandiyaraj, the learned counsel appearing for the petitioner has submitted that, the Hon'ble Supreme Court in matters involving similar issue, granted an interim order, which is to the following effect:-

"Permission to file SLP (C)
C.C.No.15217 of 2012, is granted.

Issue notice returnable in four weeks.

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

2.1 The learned counsel further submitted that, this Court, in a batch of Writ Petitions seeking similar relief, disposed of those Writ Petitions in the light of the interim order passed by the Hon'ble Supreme Court, in M/s. Sri Krishna Alloys's case (supra) and he also produced the copy of the said order, dated 25.08.2021, passed in W.P.Nos.9010, 17139, etc. of 2020 (batch) for reference and prayed that the present Writ Petition may be disposed of following the same.

3. In the light of the interim order granted by the Hon'ble Supreme Court, in M/s. Sri Krishna Alloys's case (supra) referred to above, the present Writ Petition is disposed of on the same lines, viz., restraining the respondents from taking any coercive steps for disconnecting supply of electricity to petitioner's premises, subject to the petitioner's paying all the charges/dues, except the tax calculated on the basis of maximum demand. It is made clear that the benefit of this order will remain continued until the disposal of the Special Leave Petitions before the Hon'ble Supreme Court. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

jd/sd



To

1.The Secretary to Government,
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,
Namakkal Electricity Distribution Circle,
TANGEDCO, Namakkal.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR.No.59172

+1cc to the Government Pleader SR.No.59468

W.P.No.7040 of 2018
and

W.M.P.Nos.8707 & 8708 of 2018

GPL (CO)
RVM(07/12/2021)