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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.9010, 17139, 17149, 17154, 17559 of 2020 &
WP No. 31689 of 2016, 23938 of 2017, 24343 of 2017, 32238 of 2017,
33831 of 2017, 33832 of 2017,

WP No.13939 of 2020 and WP No.13942 of 2020 and
WMP Nos.10954, 21197, 21198, 21199, 21203, 21207, 21209, 21765,
21766 of 2020 and WMP Nos.27496, 27497 of 2016 and
WMP Nos.25213, 25214, 25757, 25758, 35503, 35504, 37497, 37498,
37499, 37500 of 2017 and 17317, 17318, 17323, 17324 of 2020

M/s.Lucky Weavess India P Ltd.,
HTSC No.415, No.74, ICT Goundampalayam,
Thiruchengode, Namakkal 638 008
Rep by its Authorised Signatory
P.Wiswanathan

Petitioner in W.P.No.9010 of 2020

M/s. GVG Industries (P) LTD
HTSC NO.038 Semmadipatty
Palakanuthur Post
Dindigul
Rep. By Its Vice President
V. Srinivasan

Petitioner in W.P.No.17139 of 2020

M/s.SVA Syntex (P) Ltd HTS
C NO.164 Thalaiyuthu Village
Chinnakalayamputhur
Palani,
Dindigul
Rep. By Its Vice President
V. Srinivasan

Petitionerin W.P.No.17149 of 2020

M/s.SVPB Spinners(P)Ltd.,
HTSC NO.150 Semmadipatty
Palakanuthu Post
Nagaiyakottai,
Vedasandur
Dindigul
Rep. By Its Vice President
V. Srinivasan

Petitioner in W.P.No.17154 of 2020



M/s.Kumaragiri Spinners(P)Ltd.,
Unit II HTSC NO.049094220421
4/1 KRPAD Road Pallipalayam
Kumarapalayam Taluk
Nammakkal District
Rep. By Its Authorised Signatory
S.Nagarajan

Petitionerin W.P.No.17559 of 2020

M/s.Ponneri Steel Industries
H.T.SC.NO.1499 GNT Road
Peravellore Village
Chinnampedu Post
Thiruvallur District-601 206
Rep.By Its Manager
Mr.Prashanth Sharma

Petitioner in W.P.No.31689 of 2016

M/s.Sri Annapurana Re-Rolling(P)Ltd.,
H.T.SC.No.1722
SIPCOT Industrial Estate
Gummidipoondi 601 201
Thiruvallur District
Rep. By Its GM
K.Venkataraman

Petitioner in W.P.No.23938 of 2017

M/s.Sathi Steel Industries Ltd.,
Unit II H.T.SC. No. 324
Amaravathi Pattinam Village
Uthiramerur Taluk
Kancheepuram District - 631 606
Rep. By Its Authorised Signatory
V. Vaigunthan

Petitioner in W.P.No.24343 of 2017

M/s.Reveille Steel Industries (P) Ltd.,
H.T.SC.NO.625 Kaniyalampalayam
Kakkadavu - Post
Negamman - Via
Pollachi Taluk
Coimbatore 642 120
Rep. By Its Director
Mr. MOIDHEEN

Petitioner in W.P.No.32238 of 2017

M/s.Jeppiaar Furnace and Steel (P) Ltd.,
H.T.SC.NO.738
No.158
Kunnvakkam Village
Panrutti Post
Kancheepuram District
Rep. By Its Authorised Signatory
Mr.V.Sekar Salamon

Petitioner in W.P.No.33831 of 2017



M/s.Jeppiaar Furnace and Steel (P) Ltd.,
H.T.SC.NO.473, Survey No.34,35,36&37
Kunnvakkam Village
Panrutti Post
Kancheepuram District
Rep. By Its Authorised Signatory
Mr.V.Sekar Salamon Petitioner in W.P.No.33832 of 2017

M/s.GKN Driveline (INDIA) Ltd.,
H.T.SC No. 099094110677
Having Industry At
Plot No. B-13 Sipcot Industrial Estate
Vaipur A and B Oragadam
Sriperumbudur Taluk
Kancheepuram District
Rep by its Authorised Signatory
Mr.Sanjeevi Mehrotra Petitioner in W.P.No.13939 of 2020

M/s. Asahi India Glass Ltd.,
H.T.SC. NO. 099094110424 Plot No. F-76
TO F-81 Sipcot Industrial Park
Irrungattukottai Sriperumbudur
Kancheepuram District
Rep. By Its Authorised Signatory
M.Senthilkumar Petitioner in W.P.No.13942 of 2020

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,
Mettur Electricity Distribution Circle,
Mettur Respondent in W.P.No.9010 of 2020
-
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,
Dindigul Electricity Distribution Circle,
Dindigul

Respondent in W.P.No.17139 of 2020
17149 of 2020
17154 of 2020

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,
Mettur Electricity Distribution Circle,
Mettur

Respondent in W.P.No.17559 of 2020

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 (North)
144 Anna Salai,
Chennai 600 002.

Respondent in W.P.No.31689 of 2016
23939 of 2017

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
Kancheepuram Electricity Distribution Circle
TANGEDCO Kancheepuram.

Respondent in W.P.No.24343 of 2017

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
Coimbatore Electricity Distribution Circle,
(South) TANGEDCO, Coimbatore.

Respondent in W.P.No.32238 of 2017

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
Chengalpet Electricity Distribution Circle,
TANGEDCO, Chengalpet.

Respondent in W.P.No.33831 of 2017
33832 of 2017, 13939 of 2020, 13942 of 2020

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.415 as per the orders of the Honble 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 And Etc. Vs.Union of India and others.



These writ petitions filed under Article 226 of the Constitution of India to issue a writ of Mandamus.

WP No.9010 of 2020 : Forbearing the 2nd and 3rd Respondents, from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.No.415, as per the orders of the Honble 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 And Etc., Vs.Union of India and others etc,

WP No.17139 of 2020 : forbearing the 2nd and 3rd respondents from demanding and collection the tax on maximum demand charges from the petitioner in HTSC No. 038 as per the orders of the Honourable Supreme Court of INdia, New Delhi on 31.8.2012 in SLP (C) No.24993 of 2012 and 25522 of 2012 etc Batch in M/s. Sri Krishna Alloys and Etc Vs. Union of India and Others Etc

WP No.17149 of 2020: forbearing the 2nd and 3rd respondents from demanding and collection the tax on maximum demand charges from the petitioner in HTSC No. 164 as per the orders of the Honourable Supreme Court of INdia, New Delhi on 31.8.2012 in SLP (C) No.24993 of 2012 and 25522 of 2012 etc Batch in M/s. Sri Krishna Alloys and Etc Vs. Union of India and Others Etc

WP No.17154 of 2020 :forbearing the 2nd and 3rd respondents from demanding and collecting the tax on maximum demand charges from the petitioner in HTSC No. 150 as per the orders of the Honourable Supreme Court of INdia, New Delhi on 31.8.2012 in SLP (C) No.24993 of 2012 and 25522 of 2012 etc Batch in M/s. Sri Krishna Alloys and Etc Vs. Union of India and Others Etc

WP No.17559 of 2020 :forbearing the second and third respondents from demanding and collecting the tax on maximum demand charges from the petitioner in HTSC No.049094220421, as per the orders of the Honourable 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 and Etc. Vs. Union of India and others .

WP No.31689 of 2016 :Forbearing the 2nd and 3rd respondents, from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.No.1499 M/s.Ponneri Steel Industries, per the orders of the Honourable 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.

WP No.23938 of 2017 :Forbearing the 2nd and 3rd respondents , from demanding from the petitioner, M/s. Sri Annapurana Re-Rolling Pvt. Ltd., H.T.Sc.No.1722, as per the orders of the



Honble Supreme Court on India, New Delhi on 04.09.2012 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.

WP No.24343 of 2017 :forbearing the 2nd and 3rd respondents, from demanding and collecting the tax on maximum demand charges from the petitioner, M/s. Sathi Steel Industries Ltd., Unit II, H.T.SC. No. 324, as per the orders of the Honourable Supreme Court of India, New Delhi on 31.8.2012 in SLP (C) No. 24993 of 2012 and 25522 of 2012 etc. Batch in M/s. Sri Krishna Alloys and Etc. Vs. Union of India and others etc.

WP No.32238 of 2017:forbearing the 2ns and 3rd respondents, from demanding and collecting the tax on maxiumum demand charges from the petitioner, M/s. Reveille Steel Industries Private Limited H.T.Sc.No.625, as per the orders of the Honble 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.

WP No.33831 of 2017 :forbearing the 2nd and 3rd respondents from demanding and collecting the tax on maximum demand charges from the petitioner, M/s.Jepppiaar Furnace and Steels Private Ltd., H.T.Sc. No.738, as per the orders of the Honourable Supreme Court of India, New Delhi on 31.8.2012 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.,

WP No.33832 of 2017 :forbearing the 2nd and 3rd respondents from demanding and collecting the tax on maximum demand charges from the petitioner, M/s.Jepppiaar Furnace and Steels Private Ltd., H.T.Sc. No.473 as per the orders of the Honourable Supreme Court of India, New Delhi on 31.8.2012 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.,

WP No.13939 of 2020 :Forbearing the 2nd and 3rd respondnets, from demanding and collecting the tax on maximum demand charges from the petitioner, M/s. GKN Driveline (India) Ltd H.T.SC. No. 099094110677 as per the orders of the Honble 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 and Etc. Vs. Union of iNdia and others etc.

WP No.13942 of 2020 : For bearing the 2nd and 3rd respondnets, from demanding and collecting the tax on maximum demand charges from the petitioner, M/s. Asahi India Glass Limited H.T.Sc.NO. 099094110424, gainst the orders of the Honble 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 and Etc. Vs.



Union of India and others etc.

For Petitioner in : Mr.R.S.Pandiyaraj
W.P.No.9010,17139,17149
17154 & 17559 of 2020

For 1st Respondents in : Mr.A.Selvendran
all the Writ Petitions Government counsel

For 2nd & 3rd Respondents in : Mr.M.Abdul Kalam
9010, 17139, 17149, 17154 Standing counsel
17559 of 2020 and
32238 of 2017

For Petitioner in : Mr.K.Seshadri
W.P.No.31689 of 2016
23938 of 2017, 24343 of 2017
32238 of 2017, 33831 of 2017
33832 of 2017, 13939 of 2020 &
13942 of 2020

For 2nd & 3rd Respondents in : Mr.L.Jai Venkatesh
W.P.31689 of 2016
23938 of 2017, 24343 of 2017
33831 of 2017, 33832 of 2017
13939 & 13942 of 2020

O R D E R

All these writ petitions have been filed for the issue of writ of Mandamus forbearing the respondents 2 and 3 from demanding and collecting tax on maximum demand charges from the petitioners.

2.It is brought to the notice of this Court that a batch of Special Leave petitions are pending before the Hon'ble Supreme Court and the Hon'ble Supreme Court has passed an interim order dated 31.08.2012, restraining the respondents from taking any co-hersive steps for disconnecting supply of electricity subject to the petitioners paying all the charges/dues except the tax calculated on the basis of maximum demand.

3.This Court had an occasion to deal with a similar issue in WP No.19104 of 2020 and final orders were passed on 17.02.2021. The relevant portions in the order are extracted hereunder :-

5. Mr.N.Damodaran, learned Standing Counsel, who took notice on behalf of the respondents would submit that by following the orders of the Hon'ble Supreme Court, a Division Bench of this Court has disposed of issue on the following terms:-



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"In view of the issue raised in the present writ appeal / writ petition being settled against the appellant / petitioner in terms of the Division Bench judgment in W.P.Nos. 159 of 2008 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 respondent 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 appeal and writ petition be disposed of in terms aforesaid, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present appellant and the writ petitioner and the same interim order would continue to enure for the benefit of the writ appeal and writ petitioner during the pendency of the Special Leave Appeals.

2. Writ Appeal and Writ Petition, accordingly, stand disposed of. No costs. Consequently, W.A.M.P.No. 969 of 2004 stands closed."

6. On the issue of collecting tax on maximum demand charges from the petitioner in the High Tension Service Connection, the Hon'ble Supreme Court and a Division Bench of this Court has already issued a direction, restraining the respondents from taking any coercive steps for disconnecting supply of electricity to the premises of the petitioner subject to the petitioner paying all the charges / dues except tax calculated on the basis of maximum demand.

4. The above order will also enure to the benefit of the petitioners. In view of the same, all these writ petitions are disposed of in terms of the interim order passed by the Hon'ble Supreme Court and the subsequent Hon'ble Division Bench order passed in W.A No.547 of 2004 dated 02.06.2015. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

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, Mettur Electricity Distribution Circle,
Mettur
4. The Superintending Engineer,
TANGEDCO, Dindigul Electricity Distribution Circle,
Dindigul
5. The Superintending Engineer,
TANGEDCO Ltd.,
Chennai Electricity Distribution Circle (North)
144 Anna Salai, Chennai 600 002.
6. The Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
TANGEDCO, Chengalpattu.
7. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
TANGEDCO, Kancheepuram - 631 205
8. The Superintending Engineer,
Coimbatore Electricity Distribution Circle (South)
TANGEDCO, Coimbatore.

+1cc to the Government Pleader, S.R.No.43057,43055,43054,43053,
43052, 43051, 43050, 43049, 43056

+3cc to Mr.K.Seshadri, Advocate, S.R.No.42959, 42961, 42962

+7cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.42931

W.P.No.9010 of 2020

SVI (CO)
RGA (22/09/2021)