

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16/3/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.14676 of 2020

Birla Carbon India Private Limited
(Formerly known as SKI Carbon Black
(India) Private Limited
K 16 Phase II
SIPCOT Industrial Complex
P.O Gummidipoondi District
Tiruvallur 601 201.

...

Petitioner

Vs

The Chief Electrical Inspector
to the Government
Thiru-vi-ka Industrial Estate
Guindy
Chennai 600 032.

...

Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the letter-cum-demand issued by the respondent, bearing reference Letter No.KPM 218/CEIG/R43/2020 dated 20/7/2020 and quash the same to the extent of condition No.21 pertaining to payment of electricity tax on sale of energy to the Indian Energy Exchange and consequently, direct the respondent to issue the electrical safety certificate for the installations in the petitioner's premises at K 16 Phase II, SIPCOT Industrial Complex, P.O Gummidipoondi District, Tiruvallur, after verifying compliance with the other conditions within the scope of Central Electricity Authority (measures relating to Safety & Electric Supply) Regulation 2010 and independently complete assessment proceedings pertaining to levy of electricity tax on sale of electricity to the Indian Energy Exchange in accordance with law.

For petitioner

... Mr.Rahul Balaji

For respondents

... Mr.Kumaresh Babu

AAG - XII

assisted by Mr.E.Balamurugan
Special Government Pleader

O R D E R

This writ petition is filed against the communication of the respondent, dated 20/7/2020, challenging Condition No.21 of the defective notice, issued by the respondent directing payment of tax on electricity sold to the Indian Energy Exchange.

2. While entertaining this writ petition, this Court, by an

earlier order, dated 15/10/2020, directed the respondent to continue with the process of issuing the safety certificate by verifying the compliance of conditions pertaining to safety as required under 2010 Regulations, without insisting for the payment of electricity tax and of course with a condition that the same will be subject to the result of the writ petition.

3. Today, when the matter is taken up for hearing, learned counsel for the petitioner submits that pursuant to the directions of this Court, dated 15/10/2020, safety certificate has been issued to the petitioner and therefore, he requested the Court to close the writ petition by recording the same.

4. Mr.Kumaresh Babu, learned Additional Advocate General - XII, appearing for the respondent would submit that the safety certificate has been issued to the petitioner pursuant to the interim order of this Court, dated 15/10/2020, however, subject to the result of the writ petition.

5. Objection for the respondent in this writ petition is that the petitioner is liable to pay the electricity tax, which is the subject matter in another writ petition, viz., W.P.No.14682 of 2020, and therefore, by recording the submission of the learned counsel for the petitioner that safety certificate has been issued and the issue with regard to the demand of electricity tax is the subject matter in W.P.No.14682 of 2020, which is pending, this writ petition is disposed of. No costs. Consequently the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar

mvs

To

The Chief Electrical Inspector
to the Government

Thiru-vi-ka Industrial Estate
Guindy
Chennai 600 032.

+1CC TO MR.R.PARTHASARATHY, ADVOCATE, SR.NO. 17045

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 17147

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PMK (CO)

KKN 20.04.2021V