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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.17079, 17089 and 17094 of 2019

M/s.Rajsriya Automotive Industries Pvt. Ltd.,
HTSC No.325,
71-B, SIPCOT Industrial Complex,
IV Phase, Hosur - 635 126
rep. by its Authorized Signatory,
P.Durai Babu ...Petitioner in W.P.No.17079 of 2019

V.S.M.Weaves India Ltd.,
HTSC No.388,
S.F.No.334, Elanthakuttai Village,
Tiruchengode, Namakkal,
rep. by its Director,
Ravichandran ...Petitioner in W.P.No.17089 of 2019

M/s.Rajsriya Automotive Industries Pvt. Ltd.,
HTSC No.390,
Plot Nos.79 & 80, SIPCOT Industrial Complex,
Hosur - 635 126,
rep. by its Authorised Signatory,
P.Durai Babu ... Petitioner in W.P.No.17094 of 2019

vs.

The State of Tamil Nadu,
rep. by its Secretary to Government,
Energy Department,
Fort St. George,
Chennai 600 009. ... 1st Respondent in all W.Ps.

The Chairman and Managing Director,
TANGEDCO Ltd.,
144, Anna Salai,
Chennai 600 002. ... 2nd Respondent in all W.Ps.



The Superintending Engineer,
TANGEDCO,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.

... 3rd Respondent in
W.P.Nos.17079 & 17094 of 2019

The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur.

... 3rd Respondent in
W.P.No.17089 of 2019

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the 2nd and 3rd Respondents from demanding and collecting tax on maximum demand charges from the Petitioners in H.T.Sc.No.325, 388 and 390, respectively, as per the order of the Hon'ble Supreme Court of India, New Delhi on 31.08.2012 in S.L.P.(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 in all W.Ps. : Mr.R.S.Pandiyaraj
For Respondents in all W.Ps. : Mr.L.Jai Venkatesh,
Government Advocate

C O M M O N O R D E R

Writ Petitions are filed seeking a direction to forbear the 2nd and 3rd Respondents from demanding and collecting tax on maximum demand charges from the Petitioners in H.T.Sc.No.325, 388 and 390, respectively, as per the order dated 31.08.2012 passed by the Apex Court in S.L.P.(C) No.24993 of 2012 and 25522 of 2012, etc. batch in the case of M/s.Sri Krishna Alloys vs. Union of India.

2. As the issue involved in all the Writ Petitions is one and the same, cases are taken up for disposal by a common order.

3. When the matter is taken up for hearing, learned counsel for the Petitioners submitted that, the issue involved in the present Writ Petitions is squarely covered by the order dated 25.07.2019 passed by this Court in W.P.No.21902 of 2019. For better appreciation, relevant portion of the said order is extracted hereunder:



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"3. The issue raised in the present Petition is being settled against the Petitioner in terms of the Division Bench judgment in W.P.Nos.159 of 2008 and 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 (Civil) Nos.24685 to 24719 of 2012, dated 31.08.2012, with an interim direction restraining the Respondents therein 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 Petition be disposed of in the terms aforesaid, with the agreement that the ultimate fate of the matter before the Hon'ble Supreme Court would also govern the present petitioner and the same interim order would continue to enure for the benefit of the Writ Petitioner during the pendency of the Special Leave Appeals."

4. As the said interim order passed by the Apex Court governs the Writ Petitioners herein, the above Writ Petitions are disposed of in terms of the said order passed by the Apex Court. No costs. Consequently, connected W.M.P.Nos.16641 and 16644 of 2019 in W.P.No.17079 of 2019; W.M.P.Nos.16652 and 16656 of 2019 in W.P.No.17089 of 2019 and W.M.P.Nos.16659 and 16661 of 2019 in W.P.No.17094 of 2019 are closed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

(aeb)



To:

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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,
Krishnagiri Electricity Distribution Circle,
Krishnagiri.
4. The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur.

+1 CC to Mr.L. Jayvenkatesh, Advocate sr 61041
+3 Ccs to Mr.R.S.Pandiyaraj, Advocate sr 60553.

W.P.Nos.17079, 17089 and 17094 of 2019

BP(CO)
SP(15/12/2021)