



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No. 23760 of 2019

and

W.M.P.nos.23642 & 23643 of 2019

Bhaarathi Spintex India Pvt.Ltd HTSC No.350,
S.F.No.330/1, 336/6, Padavedu,
Sanyasipatty Post, Komarapalayam (Tk),
Namakkal District repd by its,
Authorized Signatory,
A.Ashok.

... Petitioner

/Vs/

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Energy Department,
Fort 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.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, forbearing the 2nd and 3rd Respondents, from demanding and collecting the tax on maximum demand charges from the petitioner in HTSC.No.350, 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 : Mr. R. S. Pandiyaraj

For R-1 : Mr. K. Karthikeyan,
Government Advocate.

For R-2 &3 : Mr. L. Jaivenkatesh,
Government Advocate.



ORDER

This writ petition has been filed seeking 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.350, as per the order of the Hon'ble Supreme Court of India, New Delhi on 31.08.2012 in SLP(c) No.24933 of 2012 and 25522 of 2012 etc. batch in M/s.Sri Krishna Alloys & Etc. Vs.Union of India and others etc.

2. The issue raised in the present petition is being settled against the petitioner in terms of the Division Bench Judgement 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 judgement bearing Special Leave Appeal (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 the benefit of the writ petitioner during the pendency of the Special Leave Appeals.

3. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

NHS

To

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Energy Department,
Fort 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.

+lcc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.63663

+lcc to the Government Pleader, S.R.No.63772

W.P.No. 23760 of 2019

and

W.M.P.nos.23642 & 23643 of 2019

UM(CO)

SB(31/01/2022)