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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.11.2021

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.Nos.22502 to 22504 and 33465 to 33468 of 2017
and

W.M.P.Nos.23609 to 23614 and 36961 to 36968 of 2017

SRI CHERAN SYNTHETICS INDIA (P) LTD.

HTSC NO.300,

REP.BY ITS DIRECTOR V.S.PALANISAMY

... PETITIONER in WP No.22502 of 2017

PALLAVA TEXTILE LTD (UNIT-II)

HTSC NO.363,

REP.BY ITS DIRECTOR V.S. PALANISAMY

... PETITIONER in WP No.22503 of 2017

BEST CHERAN SPINTEX INDIA LTD

HTSC NO.279,

REP. BY ITS DIRECTOR V.S. PALANISAMY

... PETITIONER in WP No.22504 of 2017

SRI SANTHANALAKSHMI SPINNERS PVT.LTD.

HT SC NO.367

REP. BY ITS DIRECTOR P.SHANMUGHAN

... PETITIONER in WP No.33465 of 2017

RANGAMMA STEELS & MALLEABLES

HTSC NO.64,

REP. BY ITS AUTHORIZED SIGNATORY K.ILANGO

... PETITIONER in WP No.33466 of 2017

RAJINIKANTH FOUNDATION

HTSC NO.314,

REP. BY ITS AUTHORIZED SIGNATORY K.KASTHURIRANGAIAN

... PETITIONER in WP No.33467 of 2017

RSM AUTOKAST LTD

HTSC NO.480,

REP. BY ITS MANAGING DIRECTOR, K.ILANGO

... PETITIONER in WP No.33468 of 2017



-VS-

1. THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT
ENERGY DEPARTMENT
FORT ST. GEORGE CHENNAI 600 009

2. THE CHARIMAN AND MANAGING DIRECTOR
TANGECO LTD., 144 ANNA SALAI
CHENNAI 600 002

... RESPONDENTS in all WP's

3. THE SUPERINTENDING ENGINEER
TANGECO LTD.,
METTUR ELECTRICITY DISTRIBUTION CIRCLE
METTUR

... RESPONDENT in WP No.22502 to
22504 of 2017 & WP No.33465 of 2017

4. THE SUPERINTENDING ENGINEER
COIMBATORE ELECTRICITY DISTRIBUTION CIRCLE-NORTH
TANGECO, TATABAD, COIMBATORE

... 3rd RESPONDENT in WP No.33466 of 2017
& WP No.33468 of 2017

Prayer in 22502 of 2017:

Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to forbear the 2nd and 3rd respondents from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.No.300, 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.

Prayer in WP No.22503 of 2017:

Writ Petition filed under Article 226 of 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. 363, 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 & Etc. Vs. Union of India and others etc.

Prayer in WP No.22504 of 2017:

Writ Petition filed under Article 226 of 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. 279, 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 & Etc. Vs. Union of India and others etc.

Prayer in WP No.33465 of 2017:

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.367 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 & Etc. Vs. Union of India and others etc

Prayer in WP No.33466 of 2017

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.64 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 & Etc. Vs. Union of India and others etc

Prayer in WP No.33467 of 2017

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.314 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 & Etc. Vs. Union of India and others etc

Prayer in WP No.33468 of 2017

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.480 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 & Etc. Vs. Union of India and others etc

For Petitioners : Mr.S.P.Parthasarathy
...in all WPs.

For Respondents : Mr.V.Nanmaran
Government Advocate for R1

Mr.Abdul Kalam
Standing Counsel for R2 & R3

... in W.P.Nos.22502 to 22504/2017



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For Respondents : Mr.K.M.D.Muhilan,
Government Advocate for R1

Mr.Abdul Kalam
Standing Counsel for R2 & R3

... in W.P.Nos.33465 to 33468/2017

COMMON ORDER

These writ petitions have been filed, praying for the issuance of a Writ of Mandamus, to forbear the 2nd and 3rd respondents from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.Nos.492, 363, 279, 367, 64, 314 and 480 respectively, 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.

2. This Court, by order dated 28.05.2021 in a batch of similar Writ Petitions, viz., W.P.Nos.9010 of 2020 etc., has considered the claim of the petitioners and granted the relief as sought for by the petitioners therein, allowed the prayer of the petitioners. Further, the First Bench of this Court had also considered the similar relief in W.A.No.547 of 2004, etc., and passed the order dated 02.06.2015, which reads as follows:

"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 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 appeal and writ petition be disposed of in terms aforesaid, with the agreement that the ultimate fate of the matter before the



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Hon'ble Supreme Court would also govern the present appellant and writ petitioner and the same interim order would continue to enure for the benefit of the writ appellant and writ petitioner during the pendency of the Special Leave Appeals."

3. The learned counsel appearing for the petitioners would submit that the Special Leave Appeals referred to in the above mentioned judgment of the First Bench, are still pending before the Hon'ble Supreme Court and the interim order already granted therein, is continued till date. Therefore, he would submit that these writ petitions also may be disposed of on the same lines of the order passed by the Hon'ble First Bench in W.A.No.547 of 2004.

4. In the light of the above, this Court is of the view that the above order passed by the First Bench of this Court in W.A.No.547 of 2004 dated 02.06.2015, referred to above, will hold good in respect of the present Writ Petitions also. Accordingly, these writ petitions stand disposed of on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Pns

To

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 Ltd.,
Mettur Electricity Distribution Circle, Mettur.



+7cc to Mr.R.S.Pandiyaraj, Advocate, S.R.Nos.58425 & 58428

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