



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30465 of 2019

and

W.M.P.Nos.30488 & 30489 of 2019

M/s.L&P Somappa Comfort Systems India P Ltd.,
Presently known as Leggett & Platt Automotive India P Ltd.,
HTSC No.870,
P.No.41, Second Main Road,
Industrial Estate, Ambattur, Chennai
Represented by its Authorized Signatory,
N.Santhosh Kumar Patro ...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented 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,
Chennai West Electricity Distribution Circle,
Chennai. ...Respondents

Petition filed under Article 226 of the Constitution of India 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.870, 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 Respondent R1	:	M/s.C.Sangamithirai Special Government Pleader
For Respondents R2 & R3	:	Mr.L.Jaivenkatesh Standing Counsel



O R D E R

The petitioner has filed this writ petition seeking a direction to forbear the 2nd and 3rd Respondents from demanding and collecting tax on maximum demand charges from the Petitioner in H.T.Sc.No.870 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. When the matter is taken up for hearing, learned counsel for the Petitioner submitted that, the issue involved in the present Writ Petition 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:

"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."

3. As the said interim order passed by the Apex Court governs the Writ Petitioner herein, the above Writ Petition is disposed of in terms of the said order passed by the Apex Court. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar



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To

- 1.The Secretary to Government,
The 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,
Chennai West Electricity Distribution Circle,
Chennai.

+lcc to Mr.R.S.Pandiyaraj, Advocate SR. No.66411
+lcc to Government Pleader SR. No.66607

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and
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SR (CO)
PR (10/02/2022)