



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.15094 of 2017
and W.M.P.Nos.16364 & 16365 of 2017

M/s.Thillai Engineering Works,
Unit II., HTSC No.320
Sidco Industrial Estate
No.115 Kakkalur Village
Tiruvallur District
Rep. by its Authorised Signatory
T.B.Nathan

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. 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 Ltd.,
Kanchipuram Electricity Distribution Circle,
Kanchipuram.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, forbearing the respondents 2 and 3 from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.No.320, 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 R1 : Mrs.C.Meera Arumugam
Additional Government Pleader



For R2 & R3

: Mr.L.Jai Venkatesh
Standing Counsel

ORDER

WEB COPY

The petitioner has filed this Writ Petition seeking for a direction, forbearing the respondents 2 and 3/TANGEDCO from demanding and collecting the maximum charges from the petitioner, in the light of the interim order passed by the Hon'ble Supreme Court, dated 31.08.2012 in SLP (C) No.24993 of 2012 and 25522 of 2012 batch in the case of M/s. Sri Krishna Alloys & Etc. Vs. Union of India and others etc.

2. Mr.R.S.Pandiyaraj, the learned counsel appearing for the petitioner has submitted that, the Hon'ble Supreme Court in matters involving similar issue, granted an interim order, which is to the following effect:-

"Permission to file SLP (C)
C.C.No.15217 of 2012, is granted.
Issue notice returnable in four weeks.

In the meantime, the respondents are restrained from taking any coercive steps for disconnecting supply of electricity to petitioner's premises, subject to the petitioners' paying all the charges/dues, except the tax calculated on the basis of maximum demand."

2.1 The learned counsel further submitted that, this Court, in a batch of Writ Petitions seeking similar relief, disposed of those Writ Petitions in the light of the interim order passed by the Hon'ble Supreme Court, in M/s. Sri Krishna Alloys's case (supra) and he also produced the copy of the said order, dated 25.08.2021, passed in W.P.Nos.9010, 17139, etc. of 2020 (batch) for reference and prayed that the present Writ Petition may be disposed of following the same.

3. In the light of the interim order granted by the Hon'ble Supreme Court, in M/s. Sri Krishna Alloys's case (supra) referred to above, the present Writ Petition is disposed of on the same lines, viz., restraining the respondents from taking any coercive steps for disconnecting supply of electricity to petitioner's premises, subject to the petitioner's paying all the charges/dues, except the tax calculated on the basis of maximum demand. It is made clear that the benefit of this order will remain continue until the disposal of the Special Leave Petitions before the Hon'ble Supreme Court. However, it is made clear that if any final order passed by the Hon'ble



Supreme Court in the Special Leave Petitions, the same would apply for the petitioner herein also. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rst

To:

1. The Secretary
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.,
Kanchipuram Electricity Distribution Circle,
Kanchipuram.

+lcc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.68944

W.P.No.15094 of 2017
and W.M.P.Nos.16364 & 16365 of 2017

SVI (CO)
CT 20/01/2022