



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.2857 of 2008

M/s.Yesvee Spinning Mills (P) Ltd.,
Rep. by its Director,
Gajjelanaickenpatty,
Salem - 636 301.
Salem District.

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Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary,
Department of Energy,
Fort St. Goerge,
Chennai - 600 009.

2.The Tamil Nadu Electricity Board,
Rep. by the Chairman,
800, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,
TNEB - Salem Electricity Distribution Circle,
Salem.

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Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents 1 to 3 to follow the Supreme Court decision in Civil Application No.2551/2007 etc., batch cases dated 15.05.2007, reported in 2007 (3) CTC 273 and refund the electricity tax collected on Maximum Demand charges in HTSC No.106 from the petitioner for the period from September 1991 till June 2003 with 18% interest from the date of collection till the date of refund.

For Petitioner : Mr.S.Rajesh

For Respondents : Mr.M.Abul Kalam



ORDER

Heard Mr.S.Rajesh, learned counsel for the petitioner;
Mr.M.Abul Kalam, learned Standing Counsel for the respondents and
perused the materials available on record.

2. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondents to follow the decision of the Apex Court in 2007 (3) CTC 273 and refund the electricity tax already collected on Maximum Demand charges in HTSC No.106 from the petitioner for the period from September 1991 till June 2003 with 18% interest from the date of collection till the date of refund.

3. This Writ Petition came to be filed based on the representation of the petitioner dated 28.11.2007.

4. Considering the fact that the Writ Petition has been pending for the past about 13 years and the nature of prayer sought for in the Writ Petition, the petitioner is directed to give a fresh representation to the third respondent, if the petitioner is still having any grievance within a period of four weeks. On such compliance, the third respondent shall consider the same and pass orders in accordance with law within a period of eight weeks therefrom.

5. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

r n s
To

1.The Secretary,
Government of Tamil Nadu,
Department of Energy,
Fort St. Goerge,
Chennai - 600 009.

2.The Chairman,
The Tamil Nadu Electricity Board,
800, Anna Salai, Chennai - 600 002.



3.The Superintending Engineer,
TNEB - Salem Electricity Distribution Circle,
Salem.

WEB COPY

+1cc to Mr.S.Sivanandam, Advocate SR.No.18672

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SKM(CO)
CB(04/04/2022)