



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.6674 of 2008

&

M.P.Nos.1 to 3 of 2008

ALLSEC TECHNOLOGIES LTD.,
rep. by its Director,
46-B, Velachery Main Road,
Velachery,
Chennai - 600 042.

... Petitioner

Vs.

1. Tamil Nadu Electricity Board,
rep. by its Chairman,
800, Anna Salai,
Chennai - 600 002.
2. Superintending Engineer, CEDC/SOUTH
Tamil Nadu Electricity Board,
110 KVSS Comple, K.K.Nagar,
Chennai - 600 078.
3. Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
No.17, 3rd Main Road,
Seethammal Colony,
Alwarpet, Chennai 600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 2nd respondent comprised in letter No.SE/CEDC/S/DFC/AAO/HT/AS/AS7/F.570/D423/07 dated 31.07.2007 and letter No. SE/CEDC/S/DFC/ AAO/HT/AS/AS1/F.504/D/07 dated 31.07.2007 and No.SE/CEDC/S/DFC/ AAO/HT/AS/AS7/F.HT 570/D4/08 dated 03.01.2008 and No.SE/CEDC/ S/DFC/AAO/HT/AS/AS7/F.HT 504/D3/08 dated 03.01.08 and quash the same and consequently direct the 1st and 2nd respondents to restore the Tariff classification of the petitioners' Units-1 and 2 to HT tariff 1A.



WEB COPY

For Petitioner : Mr.E.Manoharan
For Respondents : Mr.L.Jai Venkatesh
For TANGEDCO

O R D E R

The orders dated 31.07.2007 and 03.01.2008 are under challenge in the present writ petition. Further, direction is sought for to direct the respondents 1 and 2 to restore the Tariff classification of the petitioners' Units-1 and 2 to HT tariff 1A.

2. The petitioner is a company registered under the Companies Act. The petitioner company has set up Unit-1 IT Enabled Services at 46-B, Velachery Main Road and Unit-2 at 46-C, Velachery Main Road. Both the units are 100% export oriented units and are registered with Software Technology park of India (STPI).

3. With reference to the issues raised in this writ petition an elaborate adjudication is required in view of the decision taken by the Tamil Nadu Electricity Regulatory Commission in R.A.No.8 of 2019 dated 09.03.2021. The relevant portion of the order of the Tamil Nadu Electricity Regulatory Commission reads as follows:

10.21. In the result-

"(i) in view of the clarificatory orders issued by the Commission in Order No.3-1 of 2010 dated 08.11.2010, the Services of the first petitioner and the services of the second petitioner is entitled to be classified under class HT-1-A applicable to Information Technology Services with effect from 01.08.2010 and prior to 01.08.2010 when the earlier T.O. No.1 of 2002 was in force, the service of the both the petitioners are to be classified only under class HT-III; and

(ii) so far as the demand raised by the fourth respondent for the period from September 2005 to August 2007 and from April 2006 to April 2008 from the second petitioner we see no reasons to interfere with, since those demands were raised when the T.O. No.1 of 2002 was in force under which, Services of the second petitioner was to be classified only under HT-III."

4. In view of the orders passed by the Tamil Nadu Electricity Regulatory Commission, the petitioner is at liberty



to approach the competent authorities, if any grievances exist. In the event of any such approach by the petitioner, the authorities may consider the same, strictly in accordance with principles laid down by the Tamil Nadu Electricity Regulatory Commission and following the procedures as contemplated.

5. With these observations, the Writ petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

Jeni/kan

To

1. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer, CEDC/SOUTH
Tamil Nadu Electricity Board,
110 KVSS Comple, K.K.Nagar,
Chennai - 600 078.
3. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.17, 3rd Main Road,
Seethammal Colony,
Alwarpet, Chennai 600 018.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.2908

W.P.No.6674 of 2008

PMK (CO)
SU(07/02/2022)