



WEB COPY



W.P.Nos.4301 and 4309 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4301 and 4309 of 2020

And

W.M.P.Nos.5094, 5096, 5104 and 5106 of 2020

M/s.Thirupathy Bright Industries
Repd. by its Managing Partner
Aswin Bansal ... Petitioner in W.P.4301/2020

M/s.Vedha Spinning Mills Pvt. Ltd Unit II,
Repd. by its Authorised Signature
M.Velumani ... Petitioner in W.P.4309/2020

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. ... Respondents in both the W.Ps.

3.The Superintending Engineer,
TANGEDCO,
Chennai North Electricity Distribution Circle,
Chennai. ... Respondent in W.P.4301/2020



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3.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul. ... Respondent in W.P.4309/2020

Common Prayer:

Petitions 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.980, 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 and Etc. Vs. Union of India and others etc.

For Petitioners : Mr.R.S.Pandiyaraj
For Respondents : Mr.U.Baranidharan for R1
Additional Government Pleader
Mr.S.Madusoodanan for R3

COMMON ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus forbearing the respondents 2 and 3, from demanding and collecting tax on maximum demand charges from the petitioners in H.T.Sc.No.980, as per the orders of the



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

2.Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

3.When the matter is taken up for hearing, the learned counsel appearing for the petitioners submitted that, the issue involved in the present writ petitions 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



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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."

4. As the said interim order passed by the Hon'ble Apex Court governs the writ petitioners herein, the above writ petitions are disposed of in terms of the said order passed by the Apex Court. No costs. Consequently, the connected miscellaneous petitions are closed.

12.04.2023

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Speaking Order/ Non Speaking Order

4/6



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Index: Yes/ No
Internet: Yes/ No

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To

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Fort St.George,
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- 2.The Chairman and Managing Director,
TANGEDCO Ltd.,
144, Anna Salai,
Chennai – 600 002.
- 3.The Superintending Engineer,
TANGEDCO,
Chennai North Electricity Distribution Circle,
Chennai.
- 4.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.



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M.DHANDAPANI,J.
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