



WEB COPY

W.P.No.34725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.34725 of 2023

and

W.M.P.No.34686 of 2023

Pandian Chemicals Ltd - APC Unit,
H.T.Sc.No.0290994180122
Plot No.4/Part-I,
Phase II, Sipcot Industrial Complex,
Cuddalore - Chidambaram Main Road,
Semmankuppam
Cuddalore - 607 005
Rep. by its Chief Executive Officer,
D.Manoharraj

.. Petitioner

VS

- 1.State of Tamil Nadu
Rep. by its Secretary to Government,
Energy Department,
Secretariat, Fort St.George,
Chennai- 600 009.
- 2.The Chief Electrical Inspector to Government,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.
- 3.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman & Managing Director,
144, Anna Salai,
Chennai 600 002.
- 4.The Superintending Engineer,
Cuddalore Electricity Distribution Circle,
TANGEDCO, Cuddalore

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the 2nd, 3rd and 4th respondents, from demanding and collecting the tax on maximum demand charges from the petitioner in H.T.Sc.No.0290994180122, as per the ordres 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.Kamalanathan

For Respondents : Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh,
Standing Counsel for R2 to R4
Mr.M.Rajendran, AGP for R1

ORDER

Ms.Keerthana Shenoi, learned counsel, who accepts notice for the respondents 2 to 4 would accede to the position that the prayer sought for by the petitioner being a writ of mandamus forbearing R2 ,R3 & R4 from demanding and collecting tax in maximum demand charges in H.T.Sc.No.0290994180122 is liable to be accepted.

2. My attention is drawn by both learned counsel to orders of the Hon'ble Supreme Court in SLP (C) No. 24993 of 2012 and 25522 of 2012 dated 31.08.2012 [*M/s.Sri Krishna Alloys & Etc Vs*



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Union of India and others etc], which has been followed subsequently by this Court, whereunder the respondents have been restrained from taking any coercive steps from disconnection of supply of electricity subject to the petitioner paying all charges barring tax on the basis of maximum demand. Following that order this Court has routinely been allowing similar writ petitions (see order dated 25.08.2021 in W.P.No.9090 of 2020 and batch *M/s.Lucky Weaves India P Ltd v State of Tamil Nadu and others* and order dated 17.11.2021 in W.P.No.24336 of 2021 and batch *SJLT Spinning Mills Private Ltd Unit II vs State of Tamil Nadu and others*).

3. In light of the same, the prayer of the writ petitioner is liable to be acceded to and mandamus is issued as sought for. It is made clear that barring the maximum demand charges, the petitioner shall ensure payment of all other charges.

4. Writ petition stands allowed in terms of this order. No costs. Connected miscellaneous petition is closed.

13.12.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Secretary to Government,
Energy Department,



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Secretariat, Fort St.George,
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