



WEB COPY



W.P.Nos.818 & 823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.818 & 823 of 2024
& WMP.Nos.845, 846, 851 & 852 of 2024

M/s.KumaragiriSpinnerss P Ltd.,
HTSC No.049094370565,
60A/4, Nehru Nagar, Tiruchengode Road,
Pallipalaya,, Kumarapalayam (Tk),
Namakkal – 638006
Represented by its Authorized Signatory A.Vijaykumar
... Petitioner in W.P.No.818 of 2024

Bossco Steel Industries P Ltd.,
S.F.No.1415/IA,IB,IC,
Arcot to Tindivanam Road,
Chakkaramallur Village, Arcot Taluk,
Ranipet – 632 511
repd. Its by its Authorized Signatory
S.A.Mohammed Jamaludeen
... Petitioner in W.P.No.823 of 2024

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.,



W.P.Nos.818 & 823 of 2024

144, Anna Salai, Chennai-600 002

.... Respondents in both W.P.'s

3.The Superintending Engineer,
Namakkal Electricity Distribution Circle,
TANGEDCO
Namakkal.

... Respondent in W.P.No.818 of 2024

4.The Superintending Engineer,
Vellore Electricity Distribution Circle,
TANGEDCO
Vellore.

... Respondent in W.P.No.823 of 2024

PRAYER in W.P.No.818 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying 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.049094370565, as per the orders of the Hon'ble Supreme Court of India, New Delhi on 31.8.2012 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.

PRAYER in W.P.No.823 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying 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.089094121310, as per the orders of the Hon'ble Supreme Court of India, New Delhi on 31.8.2012 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.S.P.Parthasarathy
(in both W.P.'s)



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W.P.Nos.818 & 823 of 2024

For R1 : Mrs.Geetha Thamaraiselvan (R1)
(in both W.P.'s) Special Government Pleader
For R2 & R3 : Mr.S.Kalaiselvan
(in W.P.No.818 of 2024)
For R2 & R3 : Mr.S.Madhusudanan
(in W.P.No.823 of 2024)

COMMON ORDER

Mr.S.Kalaiselvan, learned counsel, who accepts notice for R2 and R3/officials of Tangedco in W.P.No.818 of 2024 and Mr.S.Madhusudanan learned counsel, who accepts notice for R2 and R3 in W.P.No.823 of 2024 would accede to the position that the prayer sought for by the petitioners being a writ of Mandamus forbearing R2 and R3 from demanding and collecting tax in maximum demand charges in H.T.Sc.Nos.049094370565 and 089094121310 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 Union of India and others etc*], which has been followed subsequently by this Court, where under 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



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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 petitioners are liable to be acceded to and mandamus is issued as sought for. It is made clear that barring the maximum demand charges, the petitioners shall ensure payment of all other charges.

4. Writ Petitions stand allowed in terms of this order. No costs. Connected Miscellaneous Petitions are closed.

11.01.2024

Index : Yes / No
Speaking order
Neutral citations: Yes
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To

- 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



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3.The Superintending Engineer,
Namakkal Electricity Distribution Circle,
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Dr.ANITA SUMANTH,J.
SI

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