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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.2006 to 2008, 2011 & 2012 of 2024
and W.M.P.Nos.2129, 2132 to 2136, 2138 to 2141 of 2024

In W.P.No.2006 of 2024

Sri Shanmugavel Mills Pvt Ltd-Unit-IV,
HTSC No.039094340306,
D.No.2/147, SF No-198/3, Ponneri,
Udumalai-Tirupur Road,
Kottamangalam Post,
Udumalpet-642 202.
Repd. by its Authorized Signatory
M.Velumani

... Petitioner

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.
- 3.The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
TANGEDCO



Udumalpet.

.... Respondents

PRAYER: 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.039094340306, 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.

In W.P.No.2007 of 2024

VEDHA SPINNING MILLS P LTD.,
HTSC No.0590904500495,
(SPINNING UNIT-II)
SF No.2634, Kiriampatty, Agaram Village,
Thadikombu, Dindigul.
Repd. by its Authorized Signatory
M.Velumani

... Petitioner

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.
- 3.The Superintending Engineer,
Dindigul Electricity Distribution Circle,



TANGEDCO
Dindigul.

.... Respondents

PRAYER: 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.059094500495, 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.

In W.P.No.2008 of 2024

TDC AGRO FOODS PRIVATE LIMITED
HTSC No.059094500480,
SF No.303/1,2, PALANI-DHARAPURAM HIGHWAY,
BOMMANALLUR VILLAGE, DHARAPURAM TALUK
TIRUPUR-638 673
Repd. by its Authorized Signatory
M.Velumani

... Petitioner

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.



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

.... Respondents

PRAYER: 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.059094500480, 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.

In W.P.No.2011 of 2024

SRI SHANMUGAVEL MILLS (P) LTD,
HTSC No.059094500503,
Garments Division,
SF No.1816, 1817, 1818
Vittalnaickenpatti, Thadikombu,
Agaram Village, Dindigul-624 709
Repd. by its Authorized Signatory
M.Velumani

... Petitioner

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.

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

.... Respondents

PRAYER: 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.059094500503, 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.

In W.P.No.2012 of 2024

Be One Textiles Private Limited,
HTSC No.059094500521,
SF No.1745/1D, Vendasandur Road,
Kottaiyur, Dindigul-624709,
Repd. by its Authorized Signatory
M.Velumani

... Petitioner

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.

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

.... Respondents

PRAYER: 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.059094500521, 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.

In W.P.No.2006 of 2024

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mrs.Geetha Thamaraiselvan (R1)
Special Government Pleader
Ms.Keerthana Shenoi (R2 and R3)
for Mr.L.Jai Venkatesh

In W.P.Nos.2007, 2008, 2011 & 2012 of 2024

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mrs.Geetha Thamaraiselvan (R1)
Special Government Pleader
Mr.S.Madhusudanan (R2 and R3)



COMMON ORDER

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Mrs.Geetha Thamaraiselvan, learned Special Government Pleader accepts notice for R1 in all writ petitions, Ms.Keerthana Shenoi, learned counsel appearing on behalf of Mr.L.Jai Venkatesh, learned counsel accepts notice for R2 and R3 in W.P.No.2006 of 2024 and Mr.S.Madhusudanan, learned counsel accepts notice for R2 and R3 in W.P.Nos.2007, 2008, 2011 & 2012 of 2024. They 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. 039094340306, 059094500495, 059094500480, 059094500503 and 059094500521 are 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



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.

31.01.2024

Index : Yes/No
Speaking Order: Yes
Neutral Citation: 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.



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

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



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W.P.Nos.2006 to 2008, 2011 & 2012 of:



DR.ANITA SUMANTH, J.

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W.P.Nos.2006 to 2008, 2011 & 2012 of 2024
and
W.M.P.Nos.2129, 2132 to 2136,
2138 to 2141 of 2024

31.01.2024