



WEB COPY

WP Nos. 19907 & 19911 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-08-2024

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos. 19907 & 19911 of 2023

and W.M.P.Nos.19252, 19254, 19262 & 19263 of 2023

M/s.Arise Industries And Agency
Private Limited
HT. SC. NO. 0690944020206 SF NO.
22 / 1a, MUSIRI THURAIYUR MAIN
ROAD JAMBUNATHAPURAM
MUSIRI TALUK REP. BY ITS
DEPUTY GENERAL MANAGER
MR.C. RAVI

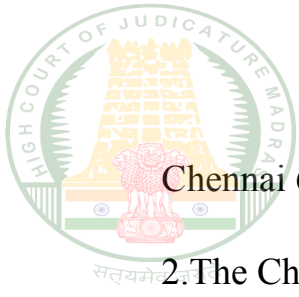
Petitioner in W.P.No.19907 of 2023

M/s.Avanthi Metals Private Limited,
H.T.Sc.No.069094450108,
No.7/1 &4/3, Komal Road,
Marutur Village,
Therizhandur Post, Kuttalam Taluk,
Nagapattinam District,
Rep., by its Chief Executive Officer,
Mr.R.Ramesh

Petitioner in W.P.No.19911 of 2023

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 Limited 144, Anna Salai,
Chennai 600 002

3.The Superintending Engineer

Trichy Electricity Distribution Circle

Metro / TNEB Mannarpuram 620 020

Trichy District

Respondent(s) in W.P.No.19907 of
2023

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 Limited 144, Anna Salai,
Chennai 600 002

3.The Superintending Engineer

Nagapattinam Electricity Distribution
Circle, TANGEDCO,

No.36, Sattayappar East Street,
Nagapattinam-611 001.

Respondent(s) in W.P.No.19911 of 2023

WP No. 19907 of 2023

PRAYER



This Writ Petition is filed under article 226 of Constitution of India seeking Writ of Mandamus forbearing the 2nd and 3rd respondents, from demanding and collecting the tax on maximum demand charges from the petitioner M/s. Arise Industries and Agency Private Limited H.T.Sc. No. 069094420206 as per the orders of the Honble 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 and Etc. Vs. union of India and other etc.

WP No. 19911 of 2023

PRAYER

This Writ Petition is filed under article 226 of Constitution of India seeking Writ of Mandamus forbearing the 2nd and 3rd respondents, from demanding and collecting the tax on maximum demand charges from the petitioner M/s. Avanti Metals Private Limited, H.T.Sc.No.069094450108, 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 other etc.

In both WPs'

For Petitioner(s): Mr.Ragesh Bhagavath
for Mr.V.S.Sivasundaram

For Respondent(s): Mr.LSM.Hasan Fizal, AGP for R1
Mr.S.Madhusudanan for R2 and R3

COMMON ORDER

Writ Petitions are filed seeking a direction to forbear the respondents 2 and 3 from demanding and collecting tax on maximum demand charges from the petitioners in H.T.Sc. No. 069094420206 & H.T.Sc.No.069094450108 as per the order dated 31.08.2012 passed by the Apex Court in S.L.P.(C).No.24993



of 2012 and 25522 of 2012 etc., batch in the case of M/s.Sri Krishna Alloys and
Etc., vs. Union of India and other etc.

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2. As the issue involved in all Writ Petitions is one and the same, case are taken up for disposal by a common order.

3. When these matters are taken up for hearing, learned counsel 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.No.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 23719 of 2012, dated 31.08.2012, with and interim direction restraining the respondents therein from taking any coercive



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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 Apex Court governs the Writ Petitioners herein, the above Writ Petitions are disposed of in terms of the said order passed by this Court as stated supra. No costs. Consequently, connected Miscellaneous Petitions are closed.

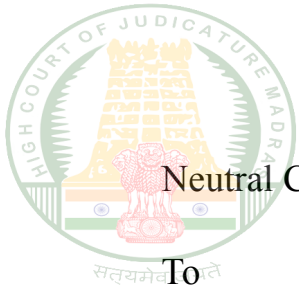
30-08-2024

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



Neutral Citation: Yes/No

To

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