



WEB COPY

WP No. 46608 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 28-11-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 46608 of 2025**

**and WMP NO. 51991, 51994 and 51995 of 2025**

M/s.Aadhi Vinayaga Spinners  
HTSC No.039094300464,  
S.F. No.435, Kulathuthottam,  
Varthiayangarpalayam,  
Kondayampalayam Post,  
Coimbatore-641 107,  
Repd By Its Partner Rajesh.

Petitioner(s)

Vs

1. State Of Tamilnadu  
Rep by the 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.The Chairman  
Tamilnadu Power Distribution Corporation Ltd,  
144, Anna Salai, Chennai-600 002.

4.The Superintending Engineer  
Coimbatore North Electricity Distribution Circle,  
TNPDC, Coimbatore.

Respondent(s)

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent comprised in G.O.(Ms)No.121, Energy (B1)Department, dated 23.12.2010 and



published in Tamilnadu Government Gazette No.3, dated 26.1.2011 and quash the same as arbitrary, illegal and is violative of the provisions of the Tamilnadu Tax on consumption or sale of Electricity Act 2003 and consequently forbear the respondents their officers, employees, subordinates, agents, men or any other persons claiming and /or acting under them from in any manner from including the E-Tax component on captive generating plants

For Petitioner(s): Mr.R.S. Pandiyaraj  
For Respondent: Ms.S.Anitha, SGP R1  
Mr.L.Jaivenkatesh, RR2 to 6

### **ORDER**

The writ petition has been filed challenging the demand of self generation tax on the units generated through the petitioners captive generating plants.

2.The learned counsel appearing for the petitioners submitted that the petitioners are captive power generators and the Government decided to impose tax by invoking the power available under G.O.(Ms.) No.121 Energy (B1) Department dated 23.12.2010. The learned counsel further submitted that some of the captive generating companies filed W.P.Nos.4871 of 2022 etc., batch challenging G.O.(Ms.) No.55 Energy (D2) Department dated 20.10.2021 and G.O.(Ms.) No.121 Energy (B1) Department dated 23.12.2010 and this Court vide order dated 09.06.2025 quashed the Government Order in G.O.(Ms.) No.55 Energy (D2) Department dated 20.10.2021 and upheld the Government Order in G.O.(Ms.) No.121 Energy (B1) Department dated 23.12.2010. Aggrieved by the upholding of G.O.(Ms.) No.121 one of the petitioners therein filed writ appeal in W.A.No.2633 of 2025 and the Hon-ble Division Bench of this Court



on 29.08.2025 passed the following interim order in the said writ appeal:

*"There shall be an order of interim injunction restraining the respondent TANGEDCO from collecting electricity tax in respect of captive generation and consumption of the present appellant. It is also made clear that due to non-payment of such tax, electricity connection of this appellant shall not be disconnected, until further orders."*□

3.The learned counsel appearing for the petitioners further submitted that since interim injunction has been granted by the Hon'ble Division Bench of this Court in respect of G.O.(Ms.) No.121 Energy (B1) Department dated 23.12.2010 in W.A.No.2633 of 2025, this Court may dispose of these writ petitions by granting the same relief to the petitioners herein, however, if the appellant in W.A. No.2633 of 2025 loses the case before the Hon-ble Division Bench of this Court, the petitioners herein are ready to pay the tax arrears as on date to the respondents.

4.In view of the above undertaking given by the learned counsel appearing for the petitioners, this Court extends the benefit of the interim order granted by the Hon-ble Division Bench of this Court in W.A.No.2633 of 2025, to the petitioners herein. It is made clear that if the appellant in W.A.No.2633 of 2025, loses the case before the Hon-ble Division Bench of this Court, the petitioners herein have to pay the tax arrears as on date to the respondents.



5.The writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition are also closed.

**28-11-2025**

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.State Of Tamilnadu

Rep By The 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.The Chairman

Tamilnadu Power Distribution  
Corporation Ltd, 144, Anna Salai,  
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4.The Superintending Engineer

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**M.DHANDAPANI J.**

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