



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 48013 of 2025

and WMP.Nos.53608, 53609 & 53610 of 2025

1. Kamchi Industries Limited
Survey No. 86, 115-119 , 123
Pathapalayam Village, S.R.Kandigai
Post, Gummidipoondi Taluk, Tamil
Nadu - 601 201.

Petitioner(s)

Vs

1. State Of Tamilnadu
Rep. by its Secretary to Government,
Energy Department, Fort St. George,
Chennai-600 009

2.Tamil Nadu Power Distribution
Corporation Limited (TNPDC) Rep.
by its Chairman, NPKRR Maaligai,
144, Anna Salai Chennai 600 002.

3.The Superintending Engineer
Central Electricity Distribution
Circle/North, TNPDC, NPKRR
Maaligai, 144, Anna Salai, Chennai
600 017

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India, calling for the records of the H.T. Bills issued by the 2nd Respondent, in respect of the Petitioners HTSC No. 019094041988, for July 2024 to October 2025, and quash the same insofar as they levy electricity tax on the maximum demand / sanctioned demand instead of on actual consumption, as arbitrary, illegal, and contrary to the position of law laid down by the Hon'ble Supreme Court of India, and the Tamil Nadu Tax on Consumption or Sale of Electricity Act, 2003, which authorises levy of tax only on actual consumption of electricity, and consequently direct the Respondents to refund or adjust in the subsequent HT Bill, the amounts wrongfully collected towards electricity tax on Maximum Demand from July 2024 onwards, being a sum of Rs. 9,35,682.66 (Rupees Nine Lakhs Thirty Five Thousand Six Hundred and Eighty Two and sixty Six Paise Only), along with applicable interest, and forbear the Respondents from levying



electricity tax on contracted or maximum demand, in compliance with the order of the Supreme Court dated 31.08.2012 in SLP (C) No.24993 of 2012, 25522 of 2012 and batch in Sri Krishna Alloys and Ors. v. Union of India and Ors., and the Tamil Nadu Tax on Consumption or Sale of Electricity Act, 2003.

For Petitioner(s): Mr.Rahul Balaji

For Respondent: Mr.V.Jeevagiridharan for R1
Additional Government Pleader
Mr.L.Jaivenkatesh for R2 & R3
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This petition has been filed challenging the H.T. Bills issued by the 2nd Respondent, in respect of the Petitioners HTSC No. 019094041988, for July 2024 to October 2025, and quash the same insofar as they levy electricity tax on the maximum demand / sanctioned demand instead of on actual consumption, as arbitrary, illegal, and contrary to the position of law laid down by the Hon'ble Supreme Court of India, and the Tamil Nadu Tax on Consumption or Sale of Electricity Act, 2003, which authorises levy of tax only on actual consumption of electricity, and consequently direct the Respondents to refund or adjust in the subsequent HT Bill, the amounts wrongfully collected towards electricity tax on Maximum Demand from July 2024 onwards, being a sum of Rs. 9,35,682.66 (Rupees Nine Lakhs Thirty Five Thousand Six Hundred and Eighty Two and sixty Six Paise Only), along with applicable interest, and forbear the



Respondents from levying electricity tax on contracted or maximum demand, in compliance with the order of the Supreme Court dated 31.08.2012 in SLP (C) No.24993 of 2012, 25522 of 2012 and batch in *Sri Krishna Alloys and Ors. v. Union of India and Ors.*, and the Tamil Nadu Tax on Consumption or Sale of Electricity Act, 2003.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the order dated 25.07.2019 passed by this Court in WP.No.21902 of 2019. The relevant paragraph of the order reads as follows:-

“3. The issue raised in the present petition is being settled against the petitioner in terms of the Division Bench Judgment in W.P.Nos.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 Appeal (Civil) Nos.24685 to 24719 of 2012 dated 31.08.2012, with an interim direction restraining the respondents therein from taking any coercive 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. Now, the learned standing counsel for the respondents 2 to 3 submitted that they are ready to either refund or adjust the amount already paid by the petitioner for future bills, however, they may not be in a position to pay the



interest for that amount. The learned counsel for the petitioner fairly submitted that they are not pressing for the interest, if the amount is either refunded or adjusted for the future bill. Such statements are recorded.

5. As the said interim order passed by the Hon'ble Apex Court governs the writ petitioner herein also, the above writ petition stands disposed of in terms of the order passed by this Court in WP.No.21902 of 2019 dated 25.07.2019. No costs. Consequently, connected miscellaneous petitions stand closed.

15-12-2025

dhk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Secretary to Government

State Of Tamilnadu

vernment, Energy Department, Fort St.

George, Chennai-600 009s Secretary to

Government,

2. The Chairman

Tamil Nadu Power Distribution

Corporation Limited (TNPDC),

NPKRR Maaligai, 144, Anna Salai

Chennai 600 002. Rep. by its Chairman

3. The Superintending Engineer

Central Electricity Distribution

Circle/North, TNPDC, NPKRR

Maaligai, 144, Anna Salai, Chennai

600 017



WEB COPY

WP No. 48013 of 2025



N.SATHISH KUMAR J.

dhk

WP No. 48013 of 2025

15-12-2025