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W.P.No.613 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.613 of 2025

and

WMP.Nos.745, 746 & 748 of 2025

M/S.Jayanthi Textile Products Unit -Ii
S.F. No.251/1,Rasipalayam Road,
Thennampalayam, Arasur Post,
Coimbatore-641 407,
Repd By Its Manager, N.Rajendran

... Petitioner

Vs.

1.State Of Tamilnadu
Rep By The Principal 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.Tamilnadu Generation And Distribution
Corporation Ltd (TANGEDCO),
Rep By Its Chairman And Managing Director,
144, Anna Salai, Chennai-600 002

4.The Superintending Engineer
Coimbatore South Electricity Distribution Circle,
TANGEDCO, Coimbatore

...Respondents



W.P.No.613 of 2021

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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of 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 Tamil Nadu Government Gazette No.3, dated 26.01.2011 and G.O.(Ms.) No.55 Energy (D2) Department dated 20.10.2021 quash the same as arbitrary, illegal and is violative of the provisions of the Tamil Nadu 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 and other sources of Open Access power like IEX etc.,

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Ms.R.L.Karthika, GA for R.1 & R.2

: Mr.L.Jai Venkatesh, Standing counsel,
for R.3 and R.4.

ORDER

The writ petition has been filed challenging G.O.(Ms.) No.121 Energy (B1) Department dated 23.12.2010 and G.O.(Ms.) No.55 Energy (D2) Department dated 20.10.2021.



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2. The learned counsel appearing for the petitioners submitted that the Government Orders impugned in this writ petition was also challenged in W.P.Nos.4871 of 2022 etc., batch 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 petitioner further submitted that since the Government Order in G.O.(Ms.) No.55 Energy (D2)



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Department dated 20.10.2021 has been quashed by this Court in

W.P.Nos.4871 of 2022 etc., batch and 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 therefore close this writ petition but may however,

observe that the closing of this writ petition is subject to the result of the

writ appeal in W.A.No.2633 of 2025.

4.The learned Government Advocate appearing for the 1st and the 2nd respondents and the learned Standing counsel appearing for the respondents 3rd and 4th raise no serious objection to this submission.

5. Heard the learned counsel on either side.

6.The Government Orders in G.O.(Ms.) No.121 Energy (B1) Department dated 23.12.2010 and G.O.(Ms.) No.55 Energy (D2) Department dated 20.10.2021 are under challenge in this writ petition. The Government Order in G.O.(Ms.) No.55 Energy (D2) Department dated 20.10.2021 has been quashed by this Court in W.P.Nos.4871 of 2022 etc., batch and interim injunction has been granted by the Hon'ble Division Bench of this Court in respect of G.O.(Ms.) No.121 Energy (B1)



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Department dated 23.12.2010 in W.A.No.2633 of 2025. In the light of the orders passed in WA.No.2633 of 2025, no further orders are required to be passed in this Writ Petition.

7. Accordingly, the writ petition is closed. No costs. Consequently, connected miscellaneous petition are also closed.

07.01.2026

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.State Of Tamilnadu

Rep By The Principal 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.Tamilnadu Generation And Distribution
Corporation Ltd (TANGEDCO),
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