

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 18/12/2014

DATED: 07 /01/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.30869 of 2014

M/s.The Tuticorin Spinning Mills Ltd.,
Rep. by its Authorized Officer,
106, Palayamkottai Road,
Tuticorin District - 628 008. ... Petitioner

Vs.

1.The Chairman,
The Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai.

2.The Superintending Engineer,
The Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tuticorin Electricity Distribution Circle,
131, 132, Ettayapuram Road,
Tuticorin. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a Writ of Mandamus, to direct the respondents to provide separate dedicated feeder line from 110/22 kv Sipcot Sub-station to the petitioner within the time limit fixed by this Court by considering the petitioner's request for the same vide representation dated 06.06.2014.

For Petitioner : Mr.M.V.Muralidharan
For E.Shanbagavalli

For Respondents : Mr.P.Gunaraj (TNEB)

O R D E R

The petitioner submits that the petitioner-Spinning Mills engaged in producing high quality fine and super-fine count cotton yarn for sensitive consumers in domestic and in European countries and other regions and the consumers had always shown their appreciation towards its commitment to quality, price and consistency of supply. The petitioner further submits that the petitioner-company is a Public Limited Company and the same is incorporated under Indian Companies Act. The petitioner further

submits that the company situated in Palayamkottai Road, Tuticorin and nearly 200 employees are employed either directly or indirectly in the petitioner-company. The petitioner further submits that since the petitioner-company is involved in manufacturing and supplying of super fine count cotton yarn, the company requires uninterrupted power supply, then only the company can supply the manufactured cotton yarn in time to the consumers, which is very important in the modern day of business. If the materials are not supplied to the customers within time, then the manufacturer would bear heavy loss. The petitioner further submits that due to frequent power interruption and low voltage of power supply, the petitioner-company was not able to manufacture to its full potential and they were not able to supply manufactured products to their customers on time. The petitioner further submits that at the company board meeting, it was unanimously decided to erect separate Dedicated Feeder Line for the petitioner-spinning mills on its own cost. The petitioner further submits that as per decision taken by the Board of petitioner-company, the petitioner approached the first respondent-Electricity Board and requested them to provide a separate Dedicated Feeder Line to the petitioner-company along with one M/s.Mountain Spinning Mills Limited, subject to the Rules and Regulations of TANGEDCO. The petitioner further submits that the petitioner-Company had also given an undertaking that they will furnish all the necessary documents and necessary charges as required by the Rules and Regulations of TANGEDCO.

2. The petitioner further submits that the petitioner-Company gave a request dated 10.05.2013, with demand for separate Dedicated Feeder Line for them. The petitioner further submits that after receiving the request from the petitioner-company, the second respondent, by its proceedings in Lr.No./SE/TEDC/TTN/AEE/GL/JE2/F.Dkt/13, dated 15.07.2013, replied that the petitioner-company should pay Rs.500/- towards application registration fee and further the petitioner-company should give a undertaking affidavit in Rs.100/- Non-Judicial Stamp Paper within three days of time along with the documents as requested in the said proceedings. The petitioner further submits that the petitioner-company had paid the said application charges and had also given an undertaking affidavit along with the necessary documents as requested by the second respondent. The petitioner further submits that after receiving all necessary documents, second respondent would submit that it will take few months for the process. Believing the same, the petitioner-company waited for it. The petitioner further submits that the second respondent, by its proceedings in Lr.No.2026/SE/TEDC/TTN/AEE/GL/JEI/F.DKT/13, dated 14.11.2013, replied that there will be a meeting held on 18.11.2013 at 3.30 p.m, regarding Dedicated Feeder Line requested by the petitioner-Company and M/s.Tuticorin Spinning Mills Ltd., are coming under two different sub-stations, to resolve the problem. The petitioner further submits that on the said date of meeting i.e., 18.11.2013, the person who was dealing with the above issue of power supply to the petitioner-company due to prior committed engagements was unable to attend the said meeting. The petitioner further submits that the said information was informed to the

second respondent-Department through telephone and requested them to inform about next meeting date well in advance. For the same, the second respondent-office would inform that the next date for meeting will be informed to them. The petitioner further submits that the next meeting date was not informed by the second respondent's office, but while so, to their shock and surprise, the second respondent, by proceedings in Lr.No.406/SE/TEDC/TTN/AEE.GL/JE2/F.DKT/14, dated 17.03.2014 rejected their request for separate Dedicated Feeder Line on the ground that the Separate Dedicated Feeder Line requested by the petitioner-company and M/s.The Tuticorin Spinning Mills Limited are having two different sub-stations, hence, the same is not feasible. The petitioner further submits that thereafter, the petitioner has given a request to the second respondent herein. The second respondent, vide proceedings in Lr.No.744/SE/TEDC/TTN/AEE/GL/JE2/F.DKT/14, dated 11.04.2014, replied that their request dated 12.07.2013 for providing separate 22KV Dedicated Feeder Line is recorded at the second respondent's office, however, a fresh representation may be given after three months for provision of Dedicated Feeder Line.

3. The petitioner further submits that as directed by the second respondent, the petitioner gave fresh representation for Separate Dedicated Feeder Line from 110/22 Sipcot Sub-Station to the petitioner Spinning Mills along with the following calculation:

22 KV TSM Dedicated Feeder

Point of Supply:

It is proposed to provide a separate H.T. 22 KV Dedicated Feeder from 110/22 KV Sipcot Sub Station to Tuticorin Spinning Mills Ltd., Tuticorin (HT Service No.34 / sanctioned demand 2070 KVA).

Adequacy of current carrying capacity:

Size of the Conductor Proposed : ACSR 7/2.59 mm

Total distance from SS to
Tuticorin Spinning Mills Ltd., : 8.310 KM

Total Load : 2070 KVA / 54.325 Amps

Maximum current carrying capacity
of 7/2.59 mm ACSR conductor : 123 Amps

Whether adequate or not : Adequate

Adequacy of HT Regulation:

Without diversity factor:

HT Regulation = Load x distance x constant of conductor
= 2070 x 8.310 x 0.000211
= 3.629%

With diversity factor

HT regulation = $3.629 / 1.5 = 2.419\%$ (Adequate)

Cost of Estimate:

Cost of line materials : Rs.50,14,277

Cost of Bay Extension in SS : Rs.14,60,239

Cost of HT Spl. Structure erected
for 2 Nos Railway Crossing : Rs.8,72,246

HT Spl Structure erected for 2DPS
with one AB Switch : Rs.2,02,805

Total cost : Rs.75,49,567

(i.e.) Rs.75,49,600

The petitioner further submits that for the same the petitioner gave an undertaking to pay necessary charges for the same as per the Rules and Regulations of TANGEDCO. He submits till date, second respondent had not passed any orders on the request made by the petitioner-company. The petitioner further submits that since festival seasons are nearing, the petitioner-company had to supply the materials to customers within time and for the same the petitioner-company requires uninterrupted power supply. In the said circumstances, left with no other effective alternative remedy, he is constrained to approach this Court under Article 226 of Indian Constitution for necessary directions. The petitioner further submits that the entire cost of laying the dedicated feeder line is to be borne by the petitioner and the undertaking to be done accordingly. Hence, there will be no loss to the respondents and it would only augment more income to the respondent.

4. The petitioner further submits that as per the contract between TSM TNEB, quality power must be supplied but in spite of that condition, TNEB is not giving Quality Power Supply. The petitioner further submits that the power supply given to them is interrupted very frequently and the voltage is also varying to dangerous levels. In the said circumstances, only their board had decided to approach the TNEB for dedicated Power Line. The petitioner further submits that due to very frequent power failures, electronic equipments installed in their mills are being damaged and the workers of their Mills are affected badly and many of them have left their jobs. Further, frequent power failure had caused huge financial losses to their Mill. TNEB has provided Dedicated Power Supply to many of its customers. Even though some of them, are customers of TNEB for less than 10 years. It must be noted that the petitioner have been a customer of TNEB for more than 65 years. The petitioner further submits that in the interest of Justice, it becomes just and necessary that the respondents herein be suitably directed to consider the representation dated 06.06.2014 given by the petitioner-Company and consequently direct the respondents to provide separate Dedicated Feeder Line from 110/22 Sipcot Sub-Station within the time limit fixed by this Court. Otherwise, it will cause grave prejudice and irreparable hardship and heavy loss to the petitioner. On the other hand, no prejudice whatsoever will be caused to anybody. The petitioner further submits that the petitioner had earlier filed W.P.(MD)

No.14589 of 2014 before the Madurai Bench of Madras High Court seeking the relief, now sought for in the writ petition. The said petition has however been dismissed as withdrawn on 10.11.2014. The petitioner further submits that this Court has the territorial jurisdiction to entertain this writ petition, since relief is sought for also against the first respondent having his office within this Court's jurisdiction. Hence, the petitioner entreats the Court to allow the writ petition.

5. The respondents have not filed any counter statement in the above writ petition. However, the respondents have filed a counter statement in the connected writ petition in W.P.No.30868 of 2014. The highly competent counsel appearing for the respondents requests this Court that the counter statement filed in the connected writ petition in W.P.No.30868 of 2014, may be taken into consideration in the above writ petition also since the facts are one and the same. The counter statement filed by the respondents in Writ Petition No.30868 of 2014, reads as follows:-

The respondents have filed a counter statement on behalf of the first respondent and himself and resisted the above writ petition. The respondents submit that the petitioner having relied on Section (9) of the Electricity Act, 2003, is not entitled to seek any relief under Article 226 of the Constitution of India in as much as it has the remedy under second provision to Section 9(2) of the Act and as such, it has to approach the TNERC for the relief as prayed for in this writ petition. The respondents further submit that as per TANGEDCO records, the registered consumer for HT service No.92 is Thiru.G.Vetrivel, Managing Director, M/s.Mountain Spinning Mills Ltd. But, in this case, the petitioner-S.Rajkumar, S/o.J.S.Stephen Pandian has fraudulently filed this writ petition saying that he is the authorized person of M/s.Mountain Spinning Mills Ltd and he has no locus-standi to approach this Court. The respondents further submit that the petitioner M/s.Mountain Spinning Mills is provided with High Tension Electricity Supply HT SC No.92 with demand of 1910 KVA at 22KV Voltage level for the past 15 years from 110/22 KV Vagaikulam SS and an agreement was executed with TANGEDCO as per Rules and Regulation at the time in force. Also, the petitioner's M/s.Mountain Spinning Mills Ltd., is having a sister concern viz., M/s.Tuticorin Spinning Mill in Tuticorin Town, which is also provided with High Tension Electricity Supply in HT SC No.34 with a sanctioned Maximum Demand of 2070 KVA at 22 KV level which is fed from 110/22KV SIPCOT SS and for this concern an agreement was executed with TANGEDCO as per Rules and Regulation at time in force. Both of the HT Consumers, viz., M/s.Mountain Spinning Mills Ltd., (HT.SC No.92) having sanctioned demand of 1910 KVA and M/s.Tuticorin Spinning Mills Ltd., HT.SC.No.34 having sanctioned demand of 2070 KVA combinedly requested to provide a single dedicated feeder. The respondents further submit that the averments stated in para 3 of the petition is purely false and denied. TNEB LTd., TANGEDCO & TANTRANSCO has invested huge amount of money towards the establishment of a sub station, the possibility of extending dedicated feeder line to all HT/EHT consumer is not feasible. Since more number of consumers are

requesting the dedicated feeder, TANGEDCO has framed certain guidelines for processing the dedicated feeder request Vide Memo.No.CE/Com1/EE/RC/AEE/F. Dedicated Feeder D.219/12, dated 15.05.2012 with technical instructions for processing.

(i) The request made by HT consumers for dedicated feeders should not be mandatory and shall be considered subject to technical feasibility. Also the request from litigant consumer should not be considered.

(ii) The total demand of the HT consumer seeking a dedicated feeder (feeder feeding only to the HT consumer / consumers without other category of loads) should be at least 50% or more of the capacity of the feeder line. The 50% load concept is applicable only for provision of new dedicated feeders.

Proposed conductor for 22 KV feeder : 7/3.66 ACSR conductor
As per B.P.(FB) No.333/TB), dated 02.12.1991.
Current carrying capacity of 7/3.66 Conductor: 208 Amps (7926 KVA)
50% : 104 Amps (3963 KVA)

(iii) "While considering the request for erection of new dedicated feeder for HT consumers, necessary care should be taken to retain the bays, etc., in the sub-station to cater for load growth for future period."

(iv) But now the petitioner came from the back door by suppressing all the above technical conditions, to avail the dedicated feeder separately for their HTSC Nos.34 & 92 by filling one W.P.(MD)No.28890 of 2014, petition with a wrong representations that the supply to the above HTSC's supply is frequently interrupted and having low voltage. The petitioner has availed his service connection from TANGEDCO and enjoying almost quality supply since 1999 from the 110/33-22KV Vagaikulam SS. Upto till date, the petitioner has not raised any complaints for the past 15 years.

(v) As such, the petitioner has come before the Principal Bench of this Court with unclean hands. Each and every representation made by the petitioner in W.P.MD.No.28890 of 2014 was denied and counter also filed on 03.12.2014 before this Court.

6. The respondents further submit that the averments made in para 4 of the affidavit is purely false, that the petitioner never gave any application on 10.05.2013 for a separate dedicated feeder to M/s.Mountain Spinning Mills Ltd., (HTSC No.92). The petitioner has applied for a 22KV dedicated feeder from Sipcot SS to this HTSC No.92 which is about 19 kms from the Sipcot SS, combinedly with the petitioner's Sister's concern Tuticorin Spinning Mill (HT Sc No.34) which is about 9 Kms from Sipcot SS. In their combined request, the technical conditions (i) the 50% load concept was satisfied and also (ii) one number bay was available in 110/22KV sipcot SS, since their combined request to provide a single dedicated feeder from Sipcot SS was taken for consideration i.e., application registration fee along with necessary undertaking was processed at their end.

(i) Regarding 50% load concept: (Previous combined request):-
M/s.Mountain Spinning Mills Ltd., HT.SC No.92: 1910 KVA
M/s.Tuticorin Spinning Mills Ltd., HT.SC.No.34: 2070 KVA
Total demand of both the HT Consumers : 3980 KVA

This 50% load concept was satisfied and hence, the above combined request was considered by the TANGEDCO officials.

(ii) Regarding Registration fee:

As stated in the Tamil Nadu Electricity Regulatory Commission Supply Code, under Regulation 12, "The licensee should collect registration charges from LT/HT Consumers at the rates specified by the commission from time to time." As such being a work assignment to be carried out under Deposit Contribution Works (DCW) basis, intimation towards necessary registration fee of Rs.500/- for each consumer was intimated vide their office Lr.No.1342/SE/TEDC/TTN/AEE/GL/JE2/F.Dkt/13, dated 15.07.2013. The respondents further submit that the petitioner has paid the registration charges with an undertaking bond. The respondents further submit that the combined request of the above said consumers were processed after getting necessary undertaking from the consumer. This undertaking is only regarding Third party / IEX Power purchase, Maintenance charges of the proposed dedicated feeders, quality materials to be utilized towards the erection of the dedicated feeder etc.

7. The respondents further submit that with reference to the averments made in the paragraph 5 of the affidavit, that the petitioner purposefully omitted the activities taken up by TANGEDCO officials during the period between 16.07.2013 to 13.11.2013. After registration of the application, an estimate was prepared by taking one month's time, since the 22 KV dedicated feeder to the petitioner's Mountain Spinning Mill from 110/22KV SIPCOT SS crosses various roads and National Highways and nearly for about 10 Kms it goes through 110/22 KV Vagaikulam SS feeding area. The proposal was prepared and sent to competent authority and a combined site inspection was carried out by the TANGEDCO higher officials along with the above said HT consumers. As the above two services are being fed by two different substations, providing a single dedicated feeder to both services combinedly, as per field conditions the proposal is non feasible of compliance with respect to safety aspects was clearly conveyed to both of the above consumers. However, the Chief Engineer / Distribution / Tirunelveli who is the competent authority instructed the TANGEDCO officials to revise the estimate by preferring through some other route. But, the revised route proposal via SIPCOT Bypass, Shanmugapuram, Ramanachiarapuram, Keelathattaparai, Allikulam, Mangalagiri also could not be processed since the other 11/22 KV Feeders of 3 Nos of various substations are passing in that area at several locations. No other alternate route to erect the dedicated feeder is available through the public path in and around that area sacrificing the safety and technical aspects. To resolve the above problem, a meeting was proposed on 18.11.2013 which was intimated in Lr.No.2026/SE/TEDC/TTN/AE/GL/JE2/F.Dkt/13, dated 14.11.2013. But, the petitioner has not turned up for the meeting but expressed his

inconvenience only for not attending the proposed meeting on 18.11.2013 alone and that too through a telephone message over phone. The petitioner's request was not rejected but since there is no spare bay (or) no space is available for providing a new bay in 110 KV Vagaikulam SS the nearby land for establishment of an additional bay has to be procured was intimated vide Lr.No.466/SE/TEDC/TTN/AEE/GL/JE2/F.Dkt/14, dated 17.03.2014 so as to provide dedicated feeder to M/s.Mountain Spinning Mills Ltd.

8. The respondents further submit that with reference to the averments made in paragraph 6 of the affidavit that the petitioner purposefully omitted the partial statements made in the Lr.No.466/SE/TEDC/TTN/AEE/GL/JE1/FDKT/13, dated 17.03.2014, mentioning only the first point of the letter. The second and third points in the above letter stated that 2 Nos dedicated feeders one from 110/22 KV SIPCOT SS and the other from the 110/33-22KV Vagaikulam SS has to be provided to each of the service separately, for which the 50% load concept of having 3963 KVA for each service has to be satisfied" and "Even after satisfying the 50% load concept for M/s. Mountain Spinning Mills Ltd., since there is no spare bay (or) no space is available for providing a new bay in 110/22 KV Vagaikulam SS, the near by land for establishment of additional bay shall also be procured at their end, as per the instruction issued by CMD/TANGEDCO vide order dated 28.01.2013. Also, it was a clear notice that a time period was given to the consumers to furnish their reply to solve the above problem on or before 10.04.2014, if not their request application will stand cancelled without any further notice from this office. But upto 06.04.2014, no reply was received from the petitioner's side and on 07.04.2014, the petitioner does not mention the points in the respondent's letter dated 17.03.2014 and requested that it only needs three months time. As per TANGEDCO Rules and Regulation, the three months period is a very long time, the respondent sent a Lr.No.744/SE/TEDC/TTN/AEE/GL/JE2/FDKT/14, dated 11.04.2014 stating that the application on 12.07.2013 is recorded at office and a fresh representation may be given after three months for the provision of dedicated feeder.

9. The respondents further submit that they denied all the averments made in paragraph 7 of the affidavit that the petitioner conveniently confusing this Court by suppressing all the facts that the petitioner will never fulfill the conditions in the points mentioned in the respondents Lr.No.466/SE/TEDC/TTN/AEE/GL/JE1/FDKT/14, dated 17.03.2014 which are the basic technical conditions for a dedicated feeder to the petitioner's Mill. But the petitioner has sent a fresh representation on 07.06.2014, now seeks two separate dedicated feeders from the nearby SS from where the 22 KV supply was feeding to both the Mills without satisfying the basic technical conditions and at this juncture, it is to be stated that:-

(i) TANGEDCO has evolved certain guidelines like 50% loading capacity criteria, load shedding exemption to OA (Open access) consumers, i.e., to purchase third party power during load shedding

period, availability of Bay, possibility of land acquisition for SS etc., purely towards an optimum utilization of the dedicated feeder since TANGEDCO have to consider the request made for extension of dedicated feeder for water works, sewage treatment plant, defense sanction, airport railway, etc., and these requests have to be fulfilled without any demand since these will directly reach the public and cater to their basic needs. Both the consumers HT SC Nos.34 and 92 are not OA consumers and are having only Wind mills located at Tirunelveli and Udumalpet EDCs and the generated wind energy is being adjusted in the consumption of HT SC Nos.34 and 92.

(ii) The respondents further submit that not being an OA consumer (Since OA Consumers have to purchase power during load shedding period) being a windy season (upto the end of September) CMD/TANGEDCO has accorded special approval vide Memo.No.CE/Comml/EE/R&C/AEE2/F.Doc/D.278/13, dated 25.05.2013 to exempt the HT consumers from load shedding upto 30.09.2013 for those who are having dedicated feeders as well as wheeling adjustment.

(iii) Since more number of consumers are requesting for dedicated feeder TANGEDCO has framed certain guidelines for processing the dedicated feeder request. As per the B.P. (FB) No.333 (TB) dated 02.12.1991 and CMD TANGEDCO proceeding No.445, dated 01.10.2014. For 22 KV voltage level the standard conductor to be used for the main line is 7/4.09 ACSR with Maximum loading capacity of 9340 KVA (245 Amps).

(iv) The total sanctioned demand of the HT consumers seeking a dedicated feeder should be atleast 50% i.e., 4670 KVA (123 Amps) or more of the capacity of the feeder line > 4670 KVA (>123 Amps) and 50% load concept is applicable only for provision of dedicated feeders.

(v) But the sanctioned demand of the HTSC 92, M/s. Mountain Spinning Mill is 1910 KVA only. The anticipated current for 1910 KVA is 50.13 amps. But as per the recent instruction stated above, the sanctioned demand should be atleast 4670 KVA i.e., $1.732 \times 22 \text{ Kv} \times 123\text{A}$ (50% of loading capacity of 7/4.09 ACSR conductor) All the above technical guidelines are omitted by the consumer and the petitioner has made his own calculations for the loading capacity of conductor and H.T regulation in this affidavit which are totally wrong. As per the petitioner's request the dedicated feeder is feeding only to the petitioner's Mill and the entire line will be treated as main line and not the spur line / sub line. As per the B.P. (FB) No.333 (TB), dated 02.12.1991 and CMD TANGEDCO proceeding No.445, dated 01.10.2014, for 22 KV voltage level the standard conductor to be used for the spur line alone is 7/3.15 AAAC with maximum loading capacity of 6970 KVA (183 Amps) and the 50% load capacity is 3485 KVA (92 Amps). Even with that the sanctioned demand of the HTSC 92, M/s.Mountain Spinning Mill is 1910 KVA (50 amps) only, which is less than 92A which is not adequate even according to their own calculations.

(vi) The petitioner purposefully confuses this Court by taking into calculation of the spur line conductor norms and even with that, the dedicated feeder norms have not been satisfied by the petitioner. Unfortunately, he has wrongly mentioned 50 Amps being

adequate without understanding that the 50% of the current capacity of 7/3.66 ACSR conductor, which is 104 Amps. Hence, the dedicated feeder could not be extended to the petitioner's Mill because of technical non-feasibility. For the following reasons, the 50% loading capacity is fixed as basic technical guideline to consider a dedicated feeder by TANGEDCO.

10. The respondents further submit that at present there are about 2.5 crores of consumers who are availing supply from TANGEDCO. Out of these, there are 8000 consumers who are availing HT supply with minimum demand from 63 KVA. The supply to the above 2.5 crores consumers are extended by about 1225 substations and infrastructure available (availability of Bay, Power transformer capacity etc.) at substation. TANGEDCO evolved certain guidelines like 50% loading capacity criteria etc., for optimum utilization of the dedicated feeder since TANGEDCO have to consider the requests made for extension of dedicated feeder for water works, sewage treatment plant, defence sector, airport port-trust, railways etc. and these requests have to be fulfilled without any demand since these will directly reach the public and cater to their basic needs. If the request made by lesser capacity of HT consumer is considered by diluting the 50% loading capacity concept etc., then the request for essential category services may not be entertained and thus the common public will be put into trouble. By mentioning all the above technical guidelines, a reply was sent to the petitioner for his request letter dated 06.06.2014 towards a new dedicated feeder from 110/33-22 kv VAgaikulam SS to the Mountain Spinning Mill of HTSC 92 alone. In this letter No.1692/SE/TEDC/TTN/AEE/G1/JE2/FDKT/14, dated 01.09.2014, the following guidelines are clearly explained that,

1. 50% load concept
2. Availability of Bay at the concerned SS
3. Procurement of required land

4. Constraints in erecting the 22 Kv dedicated feeder line from Vagaikulam SS to Mountain Spinning Mill HTSC 92.

But, the petitioner never gave a reply or any undertaking to fulfill the above technical conditions. But, the petitioner filed this petition stating that the second respondent has not passed any order, but while so to their shock and surprise by filing this affidavit without any Justice. The respondents further submit that with reference to the averments made in paragraph 8 of the affidavit that the TNEB is not giving quality of power supply. All the averments made in this para of this petition is totally wrong and fraudulently with the fraudulent statements about the quality of the supply, the petitioner has filed a separate petition in W.P.No.28890 of 2014 before this Court to challenge the technical guidelines of the dedicated feeder through back door. But, the fact is the petitioner is consuming an average of 1 million units per month through the 22 KV mill feeder of 110/22KV Vagaikulam SS. In detail, the maximum sanctioned demand to the petitioner-Mill is 1910 KVA. At unity power factor and unity load factor, 1910 KW for 1 hour, then 1910 units will be consumed for an hour. Considering daily 2 hour load-shedding in the feeder, then the maximum possible

consumption is 1910 (kw) x 22 (hours) x 30 (days) = 10,08,480 units.

11. The respondents further submits that by utilizing the supply optimum only this will be achieved and the petitioner has enjoyed the maximum utility. The respondents further submit that if the supply is frequently interrupted then the 10 million units consumption could not be utilized per month by the petitioner. Also there is no complaint received from the petitioner towards the varying of voltage at dangerous levels. The on-load tap changer in the Power Transformer at 110/33-22 KV Vagaikulam was suitably operated and maintaining the voltage in all the 22 kv feeders. The petitioner's intention for getting dedicated feeder is the main motto for unacceptable complaints towards the supply. Also a counter affidavit was filed on 03.12.2014 for the petition in W.P.No.28890 of 2014 which is filed by the same petitioner. The respondents further submit that with reference to the averments made in paragraph No.9 of the affidavit that the petitioner has filed early W.P.(MD)No.12786 of 2014 in Madurai Bench of Madras High Court seeking a separate dedicated feeder to HTSC No.92 alone and the same was withdrawn by the petitioner on 10.11.2014 itself. To enter into the back door, without satisfying the technical guidelines and other points mentioned in the letter No.1692/SE/TEDC/TTN/AEE/G1/JE2/FDKT/14, dated 01.09.2014, the petitioner filed W.P.No.28890 of 2014 in Madras High Court earlier towards the imaginary supply interruption petition, then he has filed this petition for seeking a dedicated feeder to HTSC No.92, to confuse this Court with irrelevant particulars. The respondents further submit that as the petitioner is not entitled to any relief in the writ petition, the petitioner is not entitled to any interim relief as prayed for in the writ petition, pending disposal of the main writ petition. In fact, allowing the interim relief pending disposal of the writ petition would amount to allowing the main writ petition at the interim stage itself, which is impermissible in law. In view of the position that the petitioner's right is subject to the technical feasibility and safety aspects and other conditions as stated above, the petitioner is not entitled to any mandamus under Article 226 of the Constitution of India. As such, both the petitions have to be dismissed in limini. By dismissing the same, no prejudice will be caused to the petitioner. On the other hand, the respondent TANGEDCO will be seriously prejudiced and it will pave the way of similar reliefs from all other HT consumers numbering about eight thousand in the State of Tamil Nadu, unmindful of the safety of the lives and technical feasibility of the electrical system including the State Grid. Hence, the respondents entreats the Court to dismiss the above writ petition.

12. The highly competent counsel Mr.M.V.Muralidharan appearing for the petitioner submits that the petitioner's Spinning Mills engaged in producing high quality fine and super-fine count cotton yarn for consumers in domestic and foreign countries. The highly competent counsel further submits that the petitioner's company has been registered under the Indian Companies Act as a

Public Limited Company, wherein about 200 employees were working. Therefore, the Company requires uninterrupted power supply for producing super fine count cotton yarn, but due to frequent power interruption and low voltage of power supply, the petitioner's company was not able to manufacture to its full potential and they were not able to supply manufactured products to the customers on time. Hence, the Company has decided to erect Separate Dedicated Feeder Line for the petitioner's Spinning Mills at its own cost. Therefore, the petitioner had approached the first respondent herein and requested them to provide a separate dedicated feeder line to the petitioner's company, besides, the Company had also given an undertaking to pay necessary charges as required by the respondent's Board. The highly competent counsel further submits that the company have submitted a representation dated 10.05.2013 with a demand for a Separate Dedicated Feeder Line for the petitioner's company. After receipt of the said representation, the second respondent had sent a communication to the petitioner-company and directed them to pay a sum of Rs.500/- towards application registration fee and further directed them to give an undertaking affidavit in Rs.100/- non-juridical stamp paper and the said conditions have been complied with by the petitioner's company. Thereafter, the second respondent informed that it would take few months for the process.

13. The highly competent counsel appearing for the petitioner further submits that subsequently the second respondent had sent a communication stating that there will be a meeting of the Board on 18.11.2013 since the Dedicated Feeder Line requested by the petitioner-Company and M/s.Mountain Spinning Mills Ltd., are coming under two different sub-stations, to resolve the problem. On the particular date, the meeting was not conducted and next meeting had not been initiated so far. Thereafter, the second respondent had sent a communication to the petitioner's Company dated 17.03.2014 and rejected their request for separate Dedicated Feeder Line on the ground that the Separate Dedicated Feeder Line requested by the petitioner-Company and M/s.Mountain Spinning Mills Ltd. are coming from two different sub-stations, hence the same is not feasible. Therefore, the petitioner made a request to the second respondent on the similar relief. The second respondent by his proceedings dated 11.04.2014, replied that their request dated 12.07.2013 for providing separate 22 KV Dedicated Feeder Line is recorded, however, a fresh representation may be given after three months for provision of dedicated feeder line.

14. The highly competent counsel appearing for the petitioner further submits that the petitioner-company have submitted a fresh and separate representation for Separate Dedicated Feeder Line to the petitioner-Spinning Mill along with the calculation regarding point of supply, adequacy of power carrying capacity, adequacy of HT Regulation and estimated cost, etc. If the respondents provide Dedicated Feeder Line at the cost of the petitioner, there will be no loss to the respondents. Further, as per the contract between the petitioner-Company and the Tamil Nadu Electricity Board quality power must be supplied, in

spite of the condition, the Tamil Nadu Electricity Board is not supplying quality power. The highly competent counsel further submits that the power supply provided to the Company is interrupted very frequently and the voltage is also varying to dangerous levels. As a result, the electronic equipments installed at the Spinning Mill are being damaged and many of the employees have left their services. As a result, the Company is facing high financial losses, hence the highly competent counsel entreats the Court to allow the above writ petition.

15. The highly competent counsel Mr.P.Gunaraj appearing for the respondents submits that the petitioner can secure remedy under Section 9(2) of the Electricity Act before the TNERC and as such, the above writ petition is not maintainable. As per the records, the registered consumer is one Mr.G.Vetrivel, but in the instant case it was filed by third party, viz., Mr.S.Rajkumar. Further, the Mill is provided with High Tension Electricity Supply for many years as per agreement, besides, the petitioner's sister company is also provided with High Tension Electricity Supply for the past 15 years as per agreement. Besides, the petitioner's Sister Company is also provided with High Tension Electricity Supply as per the existing agreement. The highly competent counsel further submits that the possibility of extending Dedicated Feeder Line to all High Tension Consumers is not feasible since there are a number of customers who are requesting the Dedicated Feeder Line from the respondents. Further more, the request made by the petitioner-Company for Dedicated Feeder Line should not be mandatory and shall be considered subject to technical feasibility. Further, while considering the request for erection of new Dedicated Feeder Line for high tension consumers, necessary care should be taken to retain the bays etc in the sub-station to cater for load growth for further period. The highly competent counsel further submits that now, the petitioner suppressing all the above technical conditions, has approached the respondents with unclean hands. He further submits that the petitioner had also filed a similar writ petition before the Madurai Bench of Madras High Court. He further submits that the petitioner had applied for a 22 KV Dedicated Feeder Line from SIPCOT Sub Station to the petitioner's Company, which is about 19 kilometer distance. The highly competent counsel further submits that the undertaking given by the petitioner regarding power purchase, maintenance charge of the proposed dedicated feeders, quality materials to be utilized for the erection of the dedicated feeder line. Further, the proposal was prepared and sent to the Competent Authority and a combined site inspection was carried out by the Higher Officials along with the consumer. In the instant case, the two services are being fed by two different sub stations providing a single dedicator feeder line to both services combinedly, as per field conditions, the proposal is non-feasible in compliance with respect to safety aspects was clearly conveyed to both of the consumers.

16. The highly competent counsel appearing for the respondents further submits that the Chief Engineer, Tirunelveli, who instructed the Tamil Nadu Generation and Distribution

Corporation officials to revise the estimate by preparing through some other route, but the revised route proposal could not be processed since the other Feeder Line of three numbers of various sub-stations are passing in that area at several locations, besides there is no other alternative route to erect the Dedicated Feeder making available through a public path. In order to resolve the problem, a meeting was proposed and intimation was sent to the petitioner. However, the petitioner's request was rejected, since there is no space being available for providing a new bay. Further, a communication was sent to the consumer to furnish their reply to solve the above problem, but no response from the petitioner's side. Further, the petitioner's company had not fulfilled any conditions as required by the respondents. Further, as per the recent instruction, the sanctioned demand should be at least 50% loading capacity. He further submits that the petitioner's calculation is not accurate as furnished in their affidavit.

17. The highly competent counsel appearing for the respondents further submits that the Dedicated Feeder Line would not be extended to the petitioner's spinning Mill because of its technical non-feasibility. The Tamil Nadu Generation Distribution Corporation have to consider the request made for extension of Dedicated Feeder for water works, sewage treatment plant, defence sector, airport, port trust, railways etc and these requests have to be fulfilled without any demand since this will directly reach the public and cater to their basic needs. The highly competent counsel further submits that the respondents had communicated in their letter to the petitioner and intimated the technical guidelines towards a new dedicated feeder, but the petitioner had not given any reply on this aspect instead of that, the petitioner has approached this Court. Further, as on date, there is no complaint received from the petitioner towards the varying of voltage of dangerous levels. He further submits that the petitioner had also filed another writ petition No.12786 of 2014, before the Madurai Bench of Madras High Court and the same was withdrawn by the petitioner. As such, the similar writ petition is not maintainable, hence, the highly competent counsel entreats the Court to dismiss the above writ petition.

18. From the above discussions, this Court is of the view:-

(i) The petitioner-Company submitted a representation to the respondents for erecting a Separate Dedicated Feeder Line for the petitioner's Spinning Mills at his own costs for running the Mill without uninterrupted power supply, since the respondent's power supply given to the Company is interrupted very frequently, hence, the petitioner's request is a bona-fide one. Besides arresting the recurrent heavy losses to the Mills due to erratic power supply.

(ii) The respondents had also sent a communication and instructed the petitioner-Company to pay Rs.500/- towards the registration fee and also directed to give an undertaking through Rs.100/- non-judicial stamp paper, besides other conditions. The petitioner has complied with the necessary requirements and formalities, including calculation for a Separate Dedicated Feeder Line. The respondents had also sent communications dated 15.07.2013, 14.11.2013, 17.03.2014 and 11.04.2014 informing the petitioner-company regarding the terms and conditions for a Separate Dedicated Feeder Line. Besides, the petitioner's representation is under process on the file of the respondents. Therefore, this Court observes that a mandatory arrangement should be arranged when the desperate situation at the Spinning Mills is at stake.

(iii) The respondents have stated in their counter statement in the connected writ petition in W.P.No.30868 of 2014, regarding the technical requirements, which is an appropriate one. However, the respondents, so far, have not denied for the provision of a Separate Dedicated Feeder Line to the petitioner's company. As such, the petitioner is entitled to obtain the same from the respondents at their own cost since the survival of the Mills' Employees has become precarious.

19. Considering the facts and circumstances of the case and arguments advanced by the highly competent counsels on either side and on perusing the typed-set of papers and this Court's views mentioned above as (i) to (iii), the above writ petition is allowed and this Court directs the respondents to provide a separate dedicated feeder line from 110/22 KV Sipcot Sub-Station to the petitioner within a period of three months from the date of receipt of a copy of this order.

20. In the result, the above writ petition is allowed. There is no order as to costs.

Sd/-
Assistant Registrar
Dated:11.3.15

True Copy

Sub Assistant Registrar

To

1.The Chairman,
The Tamil Nadu Generation and Distribution
Corporation Ltd.,
Chennai.

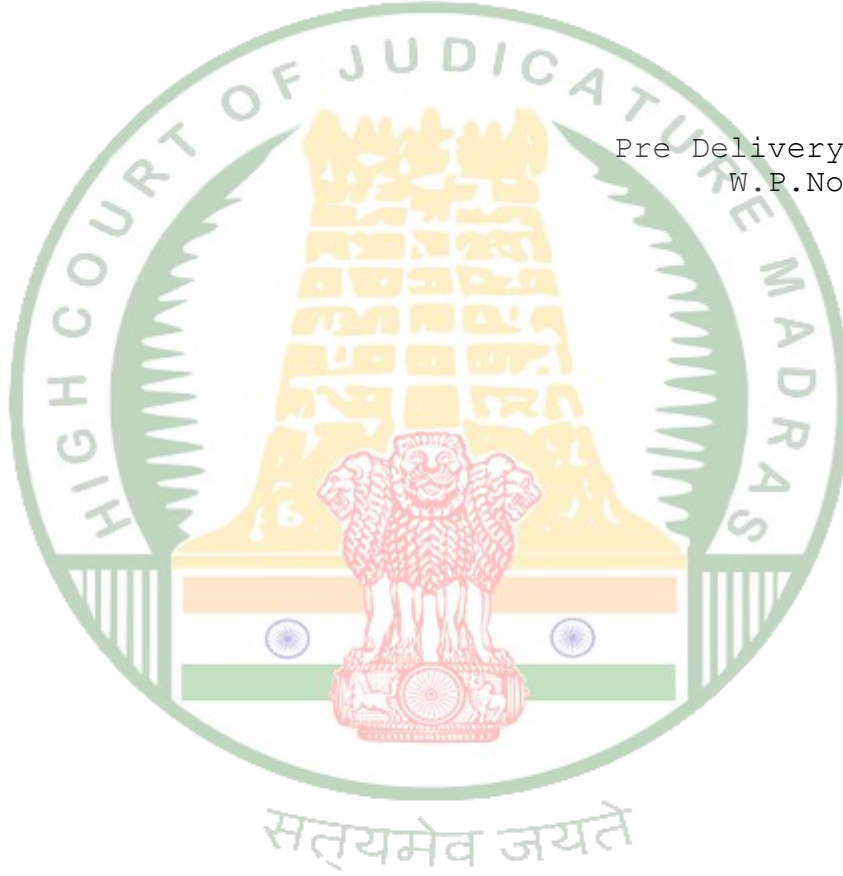
2.The Superintending Engineer,
The Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tuticorin Electricity Distribution Circle,
131, 132, Ettayapuram Road,
Tuticorin.

+1 cc to Mr.P.Gunaraj, Advocate,SR.606

+2 cc's to M/s.E.Shenbagavalli, Advocate,SR.723.

jp(co)
krd 11/3

Pre Delivery Order made in
W.P.No.30869 of 2014



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