

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2015

CORAM:

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No. 31906 of 2014
and
M.P. No. 1 of 2014

C. Veerappan

... Petitioner

vs.

1. The Superintending Engineer (O & M)
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
Mettur Circle, Mettur Dam-1, Salem District.
2. The Assistant Engineer (O & M)
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
Tharamangalam-636502, Salem District.
3. P. Tamil Selvan
4. P. Jayagobi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct respondents 1 and 2 to provide 60 HP E.B. connection to the petitioner's industry in S.C. No.872 in Thuttampatti Distribution of Tharamangalam Section of 2nd respondent based on the petitioner's application No.1350314330, dated 10.03.2014 forthwith to protect the petitioner's claim.

For Petitioner : Mr. M.R. Jothimanian

For Respondents : Mr. S.K. Rameshuwar
Standing Counsel for R1 & R2
Mr. S. Raveekumar for R3.

O R D E R

By consent of both sides, the main writ petition itself is taken up for final disposal. Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mr.S.K.Ramesuwar, learned Standing Counsel for Tamil Nadu Electricity Board/R1 & R2.

2. The petitioner seeks for the issuance of a direction to respondents 1 and 2 to provide 60 HP EB connection to his rice mill in S.C.No.872 in Thuttampatti Distribution of Tharamangalam Section by considering his application dated 10.03.2014.

3. Though several allegations and counter allegations have been made by the petitioner and the private respondents, those details need not be gone into in the light of the stand taken by the respondents-Electricity Board. The Electricity Board has filed counter-affidavit as well as an additional counter-affidavit. It is suffice to note the averments made in the additional counter-affidavit.

4. The petitioner has been granted an electricity service connection to his rice mill. He applied for an additional load to be provided to his Mill. The Board assessed the situation and found that the capacity of the existing transformer is inadequate and unless and until the old transformer is replaced, additional load cannot be sanctioned and effected. The existing transformer is situated 503 mtrs. away from the petitioner's land. Therefore, the Board was agreeable to provide additional load, provided the petitioner identifies a place, which is nearer to his Mill, for erecting new transformer. The petitioner appears to have identified a land, which is opposite to his rice mill.

5. The sketch prepared by the Assistant Engineer, O&M, TANGEDCO, Tharamangalam, is placed on record, wherein the Panchayat Road has been shown with "pink" marking and the petitioner's land with "orange" marking. The existing transformer is shown with "green" marking and the proposed place for erecting the new transformer is shown with "yellow" marking. From the sketch, it is seen that the land identified by the petitioner for erecting new transformer is situated opposite to his rice mill. If that place is accepted, then the electric line should be laid across the panchayat road. Since the petitioner applied for additional load, he should find out a place along side his property, so that the electric line could be drawn straight without crossing the panchayat road and if the electric line is laid across the road, the same will be detrimental

to the public during rainy season. Therefore, the land identified by the petitioner for erecting transformer is not feasible for consideration, though the petitioner would state that the land is "maichal" and respondents 3 and 4 cannot object to the same. In this context, it is relevant to note Clause 27(6) of the Tamilnadu Electricity Distribution Code, wherein it is stated that the intending consumer is bound to bear the cost for erection of transformer.

6. Accordingly, the writ petition is disposed of, with a direction to the petitioner to submit a representation to the second respondent, indicating any unobjectionable site along with the petitioner's property or adjoining his property within a period of two weeks and if such site is identified by the petitioner, the second respondent shall cause inspection on the site and dispose of the representation within a period of three weeks thereafter. No costs. Consequently, M.P. No.1 of 2014 is closed.

Sd/-

Assistant Registrar(Lok Adalat)

//True Copy//

Sub Assistant Registrar

ATR

Copies to;

1. The Superintending Engineer (O & M)
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
Mettur Circle, Mettur Dam-1, Salem District.
2. The Assistant Engineer (O & M)
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO)
Tharamangalam-636502, Salem District.

+1cc to M/s.M.R.Jothimanian, Advocate, S.R.No.20432

+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.20748

SAI (CO)
CA(28/04/2015)

W.P. No. 31906 of 2014