

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

THE HONOURABLE MR.JUSTICE.N.KIRUBAKARAN

W.P.No.25411 of 2015
and
M.P.No.1 of 2015

ATC Telecom Tower Corporation Private Limited,
Represented by its Authorised Signatory,
Head Operations, - Tamil Nadu Circle,
No.443/304, Guna Complex,
Annexure-1, 3rd Floor, Anna Salai,
Teynampet,
Chennai 600 018.

...Petitioner

.Vs.

The Assistant Engineer,
TANGEDCO,
CBE, Electricity Distribution Circle North,
East Thudiyalur,
Coimbatore 641 034.

...Respondent

Prayer: This Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the order No.Vu.mi.po./Ki/Thudiyalur/ko.mi./va.aa/vi.en./14-15 dated 12.01.2015 passed by the respondent and quash the same and direct the respondent to grant new electricity service connection as per clause 27(4) of the Tamil Nadu Electricity Distribution Code 2004 and as per the sanctioned letter dated 17.12.2014 to the petitioner's site at SF.No.122/3C, Vellikinaru Village, Karupparayan Koil Thottam, Ammasai Gounder Street, Vellikinaru Post, Coimbatore 641 035.

For Petitioner : Mr.J.Ravikumar

For Respondents : Mr.S.K.Rameshuwar for TNEB

ORDER

The petitioner has challenged the order passed by the respondent, rejecting the petitioner's application for giving electricity connection to erect the tower in the petitioner's leasehold property. The petitioner premises is at SF.No.122/3C, Vellikinaru Village, Karupparayan Koil Thotam, Ammasai Gounder Street, Vellikinaru P.O, Coimbatore 641 035.

2. The petitioner is erecting the Telecom Tower in various places. The petitioner entered into an agreement of lease for the aforesaid property with the owner and thereafter, he applied for service connection to the Tower erected in the said property. The said application was rejected, stating that the petitioner did not pay the amount in time i.e. on or before 09.01.2015 and also because of the objection made by some third party.

3. Heard Mr.J.Ravikumar, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondent.

4. It is an admitted fact that the petitioner has already made an application for erection of tower as early as on 04.04.2014 and thereafter, the petitioner received sanction letter dated 17.12.2014 from the respondent by the said order. The petitioner has to pay a sum of Rs.1,20,550/- towards security deposit and other charges on or before 09.01.2015.

5. Though the respondent would contend that the petitioner did not make the payment on or before 09.01.2015, a Demand Draft bearing No.076709 dated 07.01.2015, was drawn on a City Bank for a sum of Rs.1,20,550/- in favour of the respondent and he would undoubtedly prove that the petitioner took the Demand Draft in time and attempted to make payment. Therefore, the said contention was raised by the respondent that the petitioner did not make the payment in time, is liable to be rejected. Therefore, the rejection of the petitioner's application is also set aside.

6. Moreover, there is no interim order against the respondent in the proceedings initiated by the third party against the petitioner. In those circumstances, there cannot be any bar for the respondent to consider the petitioner's application afresh and give electricity connection within three weeks. The amounts which are required to be paid by the petitioner to the Electricity Board has to be paid.

7. In the above directions, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No cost.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kkd

To

The Assistant Engineer,
TANGEDCO,
CBE, Electricity Distribution Circle North,
East Thudiyalur,
Coimbatore 641 034.

1 CC to Mr.J.Ravikumar, Advocate SR.No. 45788

1 CC to Mr.S.K.Rameshuwar, Advocate SR.No. 45872

सत्यमेव जयते

W.P.No.25411 of 2015
and

M.P.No.1 of 2015

SKV (CO)

PSI (31.08.2015)

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