

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.25667 of 2015

K.Nithya

... Petitioner

vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., CEDC - North,
Tatabad, Coimbatore - 641 012.

2.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., CEDC/North,
Thondamuthur,
Coimbatore District - 641 109.

3.D.K.Ramesh

... Respondents

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus directing the respondent to provide electricity service connection to the petitioner's residential house at No.15/27, Ulliyampalayam Road, Thaaliyur, Thondamuthur, Coimbatore - 641 109 by considering petitioner's applications dated 29.09.2014 and 24.07.2015.

For Petitioner : Mr.N.Ponraj

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

ORDER

The petitioner is residing at No.15/27, Ulliyampalayam Road, Thaaliyur, Thondamuthur, Coimbatore - 641 109. After making construction, he has applied for electricity service connection with the second respondent. However, one Mr.D.K.Ramesh, third respondent herein, has objected for providing electricity service connection to the petitioner and therefore the first and second respondents insisted the petitioner for NOC from the third respondent herein. Since the electricity service connection was not provided to the petitioner, he has come before this court.

2. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned standing counsel appearing for the first and second respondents.

3. It is evident from the rough sketch produced by the petitioner that the petitioner's property is situate at one end of the land and beyond the land, the property of the third respondent herein is situated and over and above the third respondent's property only, the electric cable has to go through for providing electricity service connection to the petitioner. Since the third respondent has objected for providing electricity service connection to the petitioner, the expenses for diverting the route has to be borne out by the petitioner and that was the reason why the first and second respondents are unable to provide electricity service connection to the petitioner.

4. It is also evident from Clause 27 (6) of the Tamil Nadu Electricity Regulatory Commission, Tamil Nadu Electricity Distribution Code which speaks about the condition precedent, the consumer has to bear the extra charges for laying the electricity cable to provide electricity service connection in case if there is any diversion in providing the electricity service connection. Clause 27 (6) of the Tamil Nadu Electricity Regulatory Commission, Tamil Nadu Electricity Distribution Code reads as follows -

(6) Where the intending consumer's premises has no frontage on a street and the supply line from the Licensee's mains has to go upon, over or under the adjoining premises of any other person (whether or not the adjoining premises is owned jointly by the intending consumer and such other person), the intending consumer shall arrange at his/her own expense for any necessary way leave, licence or sanction before the supply is effected. Even when the frontage is available, but objections are raised for laying lines/cables/poles through a route proposed by the Licensee involving minimum cost and in accordance with the technical norms, to extend supply to the intending consumer, the intending consumer shall arrange at his/her own expense necessary way leave licence or sanction before the supply is effected. Any extra expense to be incurred by the Licensee in placing the supply line in accordance with the temrs of the way leave, licence or sanction shall be borne by the intending consumer. In the event of way-leave, licence or sanction being cancelled or withdrawn, the intending consumer shall at his/her own costs arrange for any diversion of the service line or

the provision of any new service line thus rendered necessary.

5. If there is any objection in providing electricity service connection, the respondent is required to inform the consumer about such objection raised by the neighbour or some other party in providing electricity service connection and in case of any objection, the route has to be diverted and the expenses for diversion has to be borne out by the consumer. The approximate amount to be spent for diverting the route has to be informed to the consumer in case if there is any objection. After the consumer comes forward to pay the expenses, the respondents should not have any problem for providing electricity service connection. In case if the extra expenses are not paid by the consumer, then it is open for the respondents to deny the electricity service connection for non-payment of extra charges. In this case, no such order has been passed by the respondents. However, the petitioner is inclined to pay the extra charges for diverting the route.

6. In view of the above, the second respondent is directed to inform the petitioner about the extra charges to be paid for providing electricity service connection for diverting the route, at the earliest and the petitioner is required to pay the extra charges to the respondents. As soon as the extra charges are paid, the respondents are directed to provide electricity service connection to the petitioner, within two days from the date of receipt of such payment from the petitioner.

7. The writ petition is disposed of with above direction.
No costs.

-s/d-

Assistant Registrar

True Copy

सत्यमेव जयते

Sub-Assistant Registrar

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To

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., CEDC - North,
Tatabad, Coimbatore - 641 012.

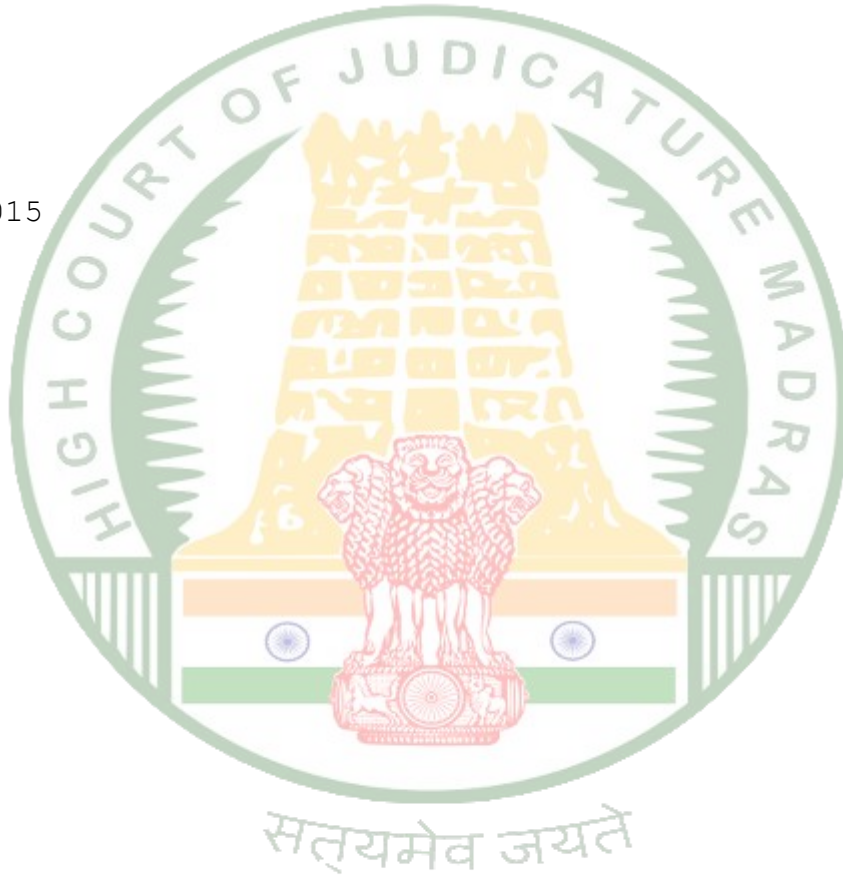
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2.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., CEDC/North,
Thondamuthur,
Coimbatore District - 641 109.

+1 cc to M/S.S.K.Raameshuwar Advocate sr.44040
+1 cc to M/s.N.Ponraj Advocate sr.44019

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