IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 28/11/2014

DATED: 22/09/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.33412 of 2013
&
M.P.No.1 of 2013

P.Prabakar ...Petitioner

Vs.

The Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Tindivanam-604 001. ...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a Writ of Certiorari, to call for the entire records in the notice issued by the respondent in Ka.No.Se.Po/E & Pa/Thivam/Co.Min Inaippu/A.No.325/13, dated 06.11.2013 and to quash the same.

For Petitioner : Mr.K.Venkatesan

For Respondent : Mr.M.Varunkumar (TNEB)

O R D E R

The petitioner submits that he is the owner of the Rajan Modern Rice Mill, Tindivanam and he has obtained electricity connection with the respondent in connection No.460-004-145 LTCT (Industrial Supply) on 27.06.1981. Till date, the petitioner is regularly consuming the electricity and also paying the electricity bill to the respondent without any delay and regular in payment. The petitioner is running the Rajan Modern Rice Mill with the electricity sanctioned load of 112 KW. The petitioner further submits that the Government of India insisted on all the owners of the rice mills to get modernized with latest machineries to be installed in order to cater to the needs of the General Public for the purpose of supply of the quality fine rice. For that, the

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

petitioner has spent nearly more than Rs.2 Crores for modernizing the rice mill by using his own funds and also with the financial assistance of the Karur Vaisya Bank, Tindivanam.

2. The petitioner further submits that the Electricity connection stands in the name of the petitioner and the place is situated at Eraiyanoor Village, Tindivanam Taluk, Villupuram District which comes under the jurisdiction of the respondent. Due to heavy operation in the Modern Rice Mill hulling and other connected activities it is necessary to increase the electricity consumption. The petitioner has approached the respondent E.B. Officials and they have also seen after due verification and sanctioned the increased electricity consumption and also permitted the petitioner to increase the electricity connection. The petitioner further submits that due to heavy increase in the operational activities of the rice mill another electricity connection was applied for in the name of P.Rajarega and the electricity connection was got in that name. The respondent Electricity Board officials inspected the premises and they have sanctioned another connection in the capacity of 75 KW in the EB service connection No.460-004-1466/ Eraiyanoor on 27.11.2009. During March 2013, the sanctioned capacity of 105 KW has been enhanced and permitted by the respondent EB officials. In this EB connection also, the EB officials were satisfied that the physical and electrical segregation was there and satisfied all the formalities and the respondent EB officials permitted the same. Actually, the connection given in the name of P.Rajarega has been issued for the purpose of boiling and drying of paddy. The petitioner further submits that both the buildings are actually and physically segregated from each other and in no way connected with each EB connection. This was also confirmed by the Electricity Authorities visiting their place every month while taking meter reading in the grade of Assistant Divisional Engineer. They never pointed out any defect and need for any revision.

3. The petitioner further submits that he has received a notice from the respondent dated 06.11.2013, calling the petitioner by merging both services connection into one within 90 days in order to continue the supply of electricity. The petitioner further submits that he apprehends that the Modern Rice Mill may be paralyzed if the 112 kw of electricity is not supplied or disconnected as it results in heavy irreparable loss to him. The petitioner further submits that order dated 06.11.2013 passed by the respondent may be applicable to the newly seeking EB holders and this will not be applicable to the existing service connection holders. Hence, the petitioner entreats the Court to allow the above writ petition.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

4. The respondent has filed a counter affidavit and resisted the above writ petition. The respondent submits that the petitioner being an agreement holder is bound by the terms and conditions of Electricity, the Electricity Act 2003, the Tamil Nadu Electricity Distribution Code 2004 and the Tamil Nadu Electricity Supply Code 2004 and as such, estopped from disputing the demand. The respondent further submits that the notice dated 05.10.2013 issued by the respondent to the petitioner is in accordance with the Tami Nadu Electricity Regulatory Commission. The extract of Tamil Nadu Electricity Regulatory Commission Code Regulation 27 Sub Clause (14) which reads as follows:

> "Where more than one person or more than one establishment is in occupation of a door number of sub door numbers, more than one service connection will be given only if there is permanent physical segregation of area for which different service connections are applied for"

As there is no permanent physical segregation of area in the petitioner's premises, the notice was issued to him for merging the service connection. Hence, the notice issued by the respondent to the petitioner is not in any way affecting his fundamental rights guaranteed under the Constitution of India. The respondent further submits that there is no physical permanent segregation of area found in the petitioner's premises. The two services are located inside the said premises. The respondent further submits that as per the Regulation 27(14) of the Tamil Nadu Electricity Distribution Code 2004, two different service connections can be given only when there are more than one person or establishment in a single door number or sub door numbers. But, in this case, the same persons are the joint owners of the single door number and hence, not entitled to separate service connection. Hence, the respondent entreats the Court to dismiss the above writ petition.

5. The highly competent counsel Mr.K.Venkatesan appearing for the petitioner submits that the petitioner is the owner of the Rajan Modern Rice Mill at Tindivanam and he has obtained electricity service connection on 27.06.1981. The petitioner is regularly remitting the electricity consumer charges. The petitioner had spent a sum of Rs.2 Crores for modernizing the rice mill. The petitioner had approached the respondent to increase the electricity consumption and the same was sanctioned to the petitioner after due verification. Due to heavy increase in the operational activities of the rice mill, another electricity connection was applied in the name of P.Rajarega and the electricity connection was given in his name. The respondents have also sanctioned the another connection in the capacity of 75 KW. During the month of March 2013, the sanctioned capacity of 105 KW

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

had been enhanced. Actually, the connection had been given in the name of Rajarega and issued for the purpose of boiling and drying of paddy. The respondent, every month, is taking meter reading and they never pointed out any defect and need for any revision. Under the circumstances, the respondent had issued notice dated 06.11.2013 and called the petitioner by merging both service connections into one within 90 days in order to continue the supply of electricity. The petitioner has also sent a representation to the Chief Engineer of the Board. Hence, the highly competent counsel entreats the Court to quash the respondent's circular.

6. The highly competent counsel Mr.M.Varunkumar appearing for the respondents submits that the petitioner, being an agreement holder, is bound by the terms and conditions of the supply of electricity. The circulation notice was issued to the petitioner in accordance with the Tamil Nadu Electricity Regulatory Commission as per Section 27 (14). If a person has more than one service connection, the same has to be made into one connection. The notice has been issued for merging the two connections. As such, the petitioner's personal rights and fundamental rights will not be affected. In the instant case, two service connections are located inside the same premises. Therefore, two separate connections are not permitted to be used.

7. On 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, it is seen that the service connection Nos.460-004-145 and 460-004-1466 are established in the same location. Now, the respondents want to merge two connections as one as per Regulation 27(14) of the Tamil Nadu Electricity Distribution Code 2004. As such, the respondent's communication dated 06.11.2013 is fit to be operated upon further and no prejudice will be caused to the petitioner. Hence, the above writ petition is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

r n s

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

The Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Tindivanam-604 001.

1 CC to Mr.K.Venkatesan, Advocate SR.No. 51840

1 CC to Mr.M.Varunkumar (TNEB), Advocate SR.No. 52058

W.P.No.33412 of 2013 &
M.P.No.1 of 2013

SVI (CO)
PSI (30.09.2015)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/