

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.40631 of 2015 and M.P.No.1 of 2015

Ayyinar Matriculation Higher Secondary School,
(Run by Andiappa Udaiyar Trust)
Regd.No.112/1995,
represented by its Correspondent Mr.A.Mohan
Veppur Cross Road, Veppur,
Veppur Taluk,
Cuddalore District - 606 304. ... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai-2,
2. The Assistant Executive Engineer
(Operation and Maintenance)
TANGEDCO, Veppur,
Veppur Taluk,
Cuddalore District,
3. The Assistant Engineer
(Operation and Maintenance-Rural/South)
TANGEDCO, Veppur,
Veppur Taluk,
Cuddalore District. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned orders in Letter No.U.Mi.Po/E.&Pa/Ki.The/ Vep/Ko.Thani/ A.No.221/2015 dated 25.11.2015 in another letter No.U.Mi.Po/E.&Pa/Ki.The/ Vep/Ko.Thani/A.No.235/2015 dated 08.12.2015 on the file of the 3rd respondent and quash the same; consequently forbear them from interrupting or interfering with the petitioner's usage of existing Electricity Service Connection Nos.1138, 1348, 1646 and 2395 in the petitioner's premises viz., Ayyanar Matriculation Higher Secondary School, Veppur Cross Road, Veppur, Veppur Taluk, Cuddalore District.

For Petitioner : Mr.T.Gandhi

For Respondents : Mr.S.K.Rameshwar

O R D E R

The petitioner is an Educational institution established during 1998 and the same is being administered by Andiappa Udayar Trust registered under the Indian Trust Act. The institution caters about 30 villages surrounded by it and about thousand students are studying in the school, which has got classes upto Higher Secondary level. The boy and girl students have been provided with hostel facilities as well as there is staff quarters apart from residential accommodation for Correspondent and Principal. The institution is said to be located in a vast extent of 12.5 Acres of land situated at Veppur Cross Road. In the year 1999, the petitioner obtained a single phase electricity service connection bearing No.1138 and thereafter during 2000, it obtained three phase electricity service connection bearing No.1348 and obtained two three phase connections for the hostel block and main building bearing Service Connection Nos.1646 and 2395 during 2011. There is no allegation of default in payment of current consumption charges. The petitioner received a communication from the 3rd respondent stating that the petitioner has to surrender one of the service connections viz., 1138 and 1348 and get a single phase connection. This appears to be because the petitioner wanted to convert a single phase connection into a three phase connection.

2. The petitioner explained that the school premises consists of 7 blocks and it is situated in a vast extent of 12.5 Acres. Electricity service connections were periodically obtained as per the requirements as and when the buildings were constructed. Further, it is submitted that there are no multiple service connections in a single building and other connection is given to a separate building situated in two survey numbers. Further, the petitioner agreed to comply with the conditions stipulated by the respondent with regard to service connection No.1646 and shift Service Connection No.1138 to the toilet building, which is being used by the teachers and students and to bear the cost. The grievance of the petitioner is that inspite of the petitioner's representation/explanation dated 12.10.2015, respondents 2 and 3 are insisting upon surrendering of connections and obtaining a single connection.

3. The respondents have filed counter affidavit, in which, they seek to impose certain condition on the petitioner by referring to the Tamil Nadu Electricity Distribution Code. The case of the petitioner itself is that this Code came into force subsequently, they had obtained connections much earlier and the connections were granted after due certification of the officials of the Board. Further, it is stated that upto May 2015, the respondents have never insisted upon surrendering the connections and they have one connection and that all of a sudden action has been taken. Further, it is submitted that the entire proceedings have been initiated only because the petitioner wanted to convert an existing single phase connection as three phase connection and they are ready now to even give up their such request. Thus, the action initiated by the respondents is by applying regulation 27(13) of the Tamil Nadu Electricity Distribution Code, 2004. The said Code came into force with effect from 21.7.2004 and the said provision viz., Regulation 27 deals with requisition for supply of energy and on a perusal of sub-regulation 13, it is seen that the condition is that within a door Number or sub-door Number, an establishment or person will not be given more than one service connection. Regulation does not specify that the existing connections also should be surrendered and all should be merged into one connection. In the absence of any such statutory requirement it would be unreasonable on the part of respondents 2 and 3 to insist upon surrendering of the connections and merge into one connection. The manner in which the buildings are distributed in the premises make things impracticable as one can take judicial notice of the fact that if a single connection is given, then from such connection line, the power lines have to be drawn throughout the campus to interconnect all the buildings. which may be dangerous, especially when the petitioner is an educational institution. Therefore, the respondents under the guise of Distribution Code which came into effect, pursuant to the notice dated 21.11.2015, should not disturb the existing status quo. However, if any other conditions are required to be imposed, then the respondents 2 and 3 can impose the same. Assuming that the petitioner does not press for any three phase connection by converting the existing single phase connection, then obviously respondents cannot proceed as stated in the impugned order.

4. Hence, for all the above reasons, the writ petition is allowed and the impugned orders are quashed and the matter is remanded to the 2nd respondent for fresh consideration. If the petitioner withdraws their application for conversion of three phase connection, then the petitioner institution shall be permitted to enjoy all the service connections which have been granted to them. In the event the petitioner still insists upon

single phase connection, then respondent Nos.2 and 3 may examine the case relating to the residential accommodation separately so that the same need not be clubbed with the school building and the hostel block. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai-2,
2. The Assistant Executive Engineer
(Operation and Maintenance)
TANGEDCO, Veppur,
Veppur Taluk,
Cuddalore District,
3. The Assistant Engineer
(Operation and Maintenance-Rural/South)
TANGEDCO, Veppur,
Veppur Taluk,
Cuddalore District.

+1cc to Mr.T.Gandhi, Advocate, S.R.No.14678
+1cc to Mr.M.Varunkumar, Advocate, S.R.No.14696

W.P.No.40631 of 2015

kgk(CO)
srg(17/03/2016)

WEB COPY