

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.25133 of 2016
and

W.M.P.No.21529 of 2016

Balaji

... Petitioner

Vs.

1.The Superintending Engineer,
Gobi Electricity Distribution Circle,
Gobichettipalayam,
Erode District.

2.The Executive Engineer,
Gobi Electricity Distribution Circle,
Gobichettipalayam,
Erode District.

3.The Junior Engineer,
(Administration and Maintenance)
Electricity Distribution Circle,
Gobichettipalayam,
Erode.

4.The Chairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.

सत्यमेव जयते

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorari calling for the records relating to the proceedings of the third respondent in Ka.No.Elet/ /Adm.m./Atharii/Ka.Thani/A.No.054/16 (க.எண்.இமிபொ/இ.பே/மே/அத்தாணி/க.தனி/அ.எண்.054/16) dated 24.6.2016 and quash the same.

For Petitioner : Mr.R.N.Amarnath

For Respondents : Mr.S.K.Rameshuwar

O R D E R

The petitioner is the owner of the property of an independent building at Door No.209/1, 2, 3, 4, 5 and 6 and the property is assessed to tax by the Athani Town Panchayat Municipality, Anthiyur Taluk. The petitioner leased out the premises for commercial purpose to five different parties and they are doing yarn twisting business. The petitioner is also doing yarn twisting at Door No.209/1. The petitioner has got electricity service connection for respective premises vide Service Connection No.312-002-649, 312-002-648, 312-002-649, 312-002-650, 312-002-651, 312-002-652 and 312-002-653 and the leasees are paying electricity consumption charges separately. However, based on some complaint, the impugned order has been passed by the 4th respondent relying upon sub-regulation 15 (a) of Regulation 27 of Tamil Nadu Electricity Distribution Code stating that all the five electricity service connections are located in the same premises and hence all the connections will be merged and only one electricity service connection would be given disconnecting the remaining four electricity service connections. The said order is being challenged before this Court.

2. Heard Mr.R.N.Amarnath, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned standing counsel appearing for the respondents.

3. It is evident from the electricity consumption meter/reading card produced before this court that the electricity service connection stands in different names namely S.V.Balaji (No.648), T.Anand (No.649), P.Thiru Moorthy (No.650), A.K.Chandra Mouli (No.651), B.Deepa (No.652) and Dineshkumar (No.653). The above details would also prove that they are different persons doing business and it cannot be called as an Associate Business as per sub-regulation 15 (a) of Regulation 27 of Tamilnadu Electricity Distribution Code. The new regulation which is relied upon by the respondent reads as follows -

a) The Sub-regulation 14 and 15 in regulation 27 of Tamilnadu Electricity Distribution Code shall be followed subject to condition 15A.

b) The sub-regulation 15A is to restrict a single person of an establishment or an entity in a premises or in contiguous premises obtaining more than one service connection under the disguise of physical

segregation to run a business or service or occupation (bjhHpy;)/ It is reiterated that Sub regulation 15A is not applicable for residential purpose.

4. A perusal of sub-regulation 15 (a) of Regulation 27 of Tamil Nadu Electricity Distribution Code would reveal that one electricity service connection alone could be given if all the business are associate business of a single person. In this case, business is being carried out by different persons in one campus, as proved by the electricity consumption meter reading card. Though all the business are carried out in the same campus, they are being run by different persons in different door numbers and a separate electricity service connections have been given to each door number. There is no proof produced before this court to show that the business carried out in the premises are associate business of a single person and therefore the impugned order suffers.

5. That apart, the impugned order would also make it clear that no notice was given to the petitioner before passing of the order. For violation of principles of natural justice also, the impugned order is liable to be set aside and it is accordingly set aside.

6. In the result, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Superintending Engineer,
Gobi Electricity Distribution Circle,
Gobichettipalayam,
Erode District.

2.The Executive Engineer,
Gobi Electricity Distribution Circle,
Gobichettipalayam,
Erode District.

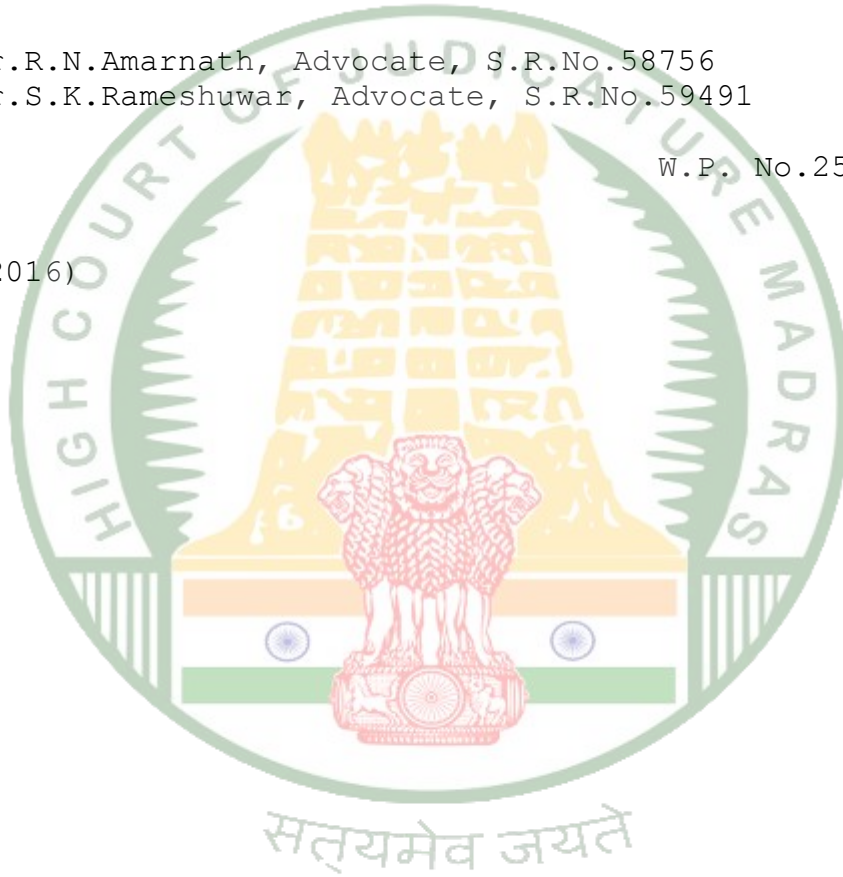
3.The Junior Engineer,
(Administration and Maintenance)
Electricity Distribution Circle,
Gobichettipalayam,
Erode.

4.TheChairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.

+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.58756
+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.59491

W.P. No.25133 of 2016

KGK(CO)
CA(25/11/2016)



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