

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18777 of 2004

1. Chandra Hariharan

2. Chandrika Chandrasekaran

Rep. by power of attorney agent
K.Lydiamani

... Petitioners

Vs.

The Superintending Engineer (Central)
Tamil Nadu Electricity Board,
Valluvarkottam,
Chennai- 600 034.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent and authorities functioning under him to receive the application of the petitioners for supply of electricity, consider the same and direct effecting regular supply of electricity on residential tariff basis to the various units of the petitioners building at Old No.9, New No.12, Plot No.3, Jagadambal Colony, Second street, Royapettah, Chennai 600 014 without insisting upon the production of the completion certificate from the C.M.D.A/ Corporation of Chennai in the light of the provisions of the Electricity Act 2003 within such time as may be fixed by this court.

For Petitioner : Mr.SivaBharathi
for Mr. M.Suresh Kumar

For Respondent : Mr.S.K.Rameshwar
(Electricity Board)

ORDER

The petitioner has filed this writ petition directing the respondent and authorities functioning under him to receive the application of the petitioners for supply of electricity, consider the same and direct effecting regular supply of electricity on residential tariff basis to the various units of

the petitioner's building at Old No.9, New No.12, Plot No.3, Jagadambal Colony, Second street, Royapettah, Chennai 600 014, without insisting upon the production of the completion certificate from the C.M.D.A/ Corporation of Chennai in the light of the provisions of the Electricity Act, 2003

2. The petitioner has come forward with the aforesaid prayer stating that he has made an application for effecting regular supply of electricity on residential tariff basis to various units of their building at Old No.9, New No.12, Plot No.3, Jagadambal Colony, Second street, Royapettah, Chennai 600 014 without insisting upon the production of the completion certificate from the C.M.D.A/ Corporation of Chennai in the light of the provisions of the Electricity Act, 2003.

3. It is really unfortunate that the petitioners, without completion of the building, are seeking to get electricity supply as required under the provisions of law and pursuant to the interim order, electricity supply has also been effected. Unless there is a Completion Certificate from the C.M.D.A and Corporation of Chennai, the Electricity Board cannot effect electricity connection, flouting the law.

4. I find that the respondent is right in seeking Completion Certificate from the C.M.D.A and also from the Corporation of Chennai for effecting electricity supply.

5. The Chairman of the Electricity Board of State of Tamil Nadu and Union Territory of Pondicherry are directed to issue Circular to all its branch offices in the State of Tamil Nadu / Union Territory of Pondicherry indicating that unless and until there is a Completion Certificate from the concerned authority and also by taking an undertaking from the consumer seeking electricity supply that the building has been constructed in accordance with the plan leaving all set-backs, the demand of any of the consumer for giving electricity connection should not be effected. In the event of the Electricity Board officials subsequently finding that any construction has been done without the approved plan, or in violation of the approved plan, the electricity supply shall be disconnected forthwith without any notice and whenever there is a demand by the Electricity Board with regard to the production of the sanctioned plan for the construction, the consumer will have to produce the same.

6. Further, there shall be coordination among the authorities of Pondicherry Municipality and Panchayaths in Union Territory of Pondicherry, Chennai Corporation and all other Corporations in the State of Tamil Nadu, Commissioner of all Municipalities/Town Panchayat, etc., Tamil Nadu Electricity

Board (with TANGEDCO/TANTRANSCO) in the State of Tamil Nadu, Pondicherry Electricity Board, Pondicherry planning authority, CMDA and District Town and Country Planning Authorities, TWAD Board, CMWSSB, and other local authorities of the State of Tamil Nadu and Union Territory of Pondicherry for effecting necessary connections. Any one of the authority is empowered to ask for the copies of the documents of the other departments concerned from the consumer in order to effect necessary connections and the same shall be provided by the consumer so that there is no damage to the public road. This will ensure the consumers constructing building not in violation of the approved plan or without plan.

7. With the above observations and direction, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer (Central)
Tamil Nadu Electricity Board,
Valluvarkottam,
Chennai- 600 034.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai-600 008.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)
3. The Commissioner,
Corporation of Chennai,
Chennai-3.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)
4. The Managing Director,
TWAD Board,
Chennai.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)

5. The Managing Director,
CMWSSB,
Chennai.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)
6. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)
7. The Director of Town and Country Planning,
Chennai.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)
8. The Chairman,
Pondicherry Electricity Board,
Pondicherry.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)
9. The Commissioner,
Pondicherry Municipality
Pondicherry.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)
10. The Planning Authority,
Pondicherry.
(with direction to be intimated to their connected
authorities in the State of Tamil Nadu)

W.P.No.18777 of 2004

PA(CO)
CA(05/10/2017)

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