



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.12650 of 2016

and

WMP (MD) No.9568 & 9569 of 2016

K.Mohideen Pitchai

..Petitioner

Vs.

1.The Assistant Engineer (Town),
Tamilnadu Electricity Board (TANGEDCO),
Senkottai, Tirunelveli District.

2.The Assistant Executive Engineer,
Tamilnadu Electricity Board (TANGEDCO),
Tenkasi, Tirunelveli District.

3.S.Govindan

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings in UMIPO/VI/NAGAR/SEN/KO KATTU/VA AA/AA NO:136/16, dated 14.07.2016 and quash the same as illegal and consequently direct the respondents 1 and 2 to consider the petitioner's application and provide temporary electricity service connection in respect of his office in door No. 127A, Ghandi Road, Senkottai, Tirunelveli District.

For Petitioner : M/S.J.Jeyakumaran

For R-1& R-2 : Mr.S.Kasinathadurai
Standing Counsel for T.N.E.B.,

For R-3 : No Appearance.

O R D E R

This Writ petition has been filed by the petitioner for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings in UMIPO/VI/NAGAR/SEN/KO KATTU/VA AA/AA NO:136/16, dated 14.07.2016 and quash the same as illegal and consequently direct the respondents 1 and 2 to consider the



petitioner's application and provide temporary electricity service connection in respect of his office in door No. 127A, Ghandi Road, Senkottai, Tirunelveli District.

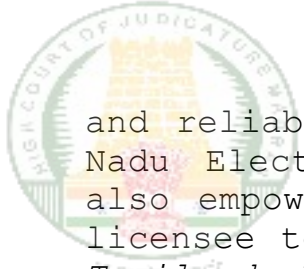
2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for T.N.E.B., appearing for the respondents 1 and 2.

3. The petitioner state that he is a licensed Stamp Vendor by profession and that he is running his office in a rented premises that belongs to third respondent in the writ petition. Though there was no separate electricity service connection to the premises occupied by the petitioner, the service connection was extended to the premises by the petitioner from the upstairs portion where another tenant was in occupation. From the facts narrated by the petitioner, it can be seen that there is a dispute between the petitioner and the other tenant who is in occupation in the upstairs portion. The service connection that was extended from the upstairs of the building to the petitioner's building was disconnected and that therefore, the petitioner has filed an application for a fresh service connection. The application for fresh service connection was rejected by the second respondent on the ground that there was a litigation between the petitioner and his landlord and that there was some dispute which is pending before the Court. It is also referred to in the order of second respondent that the third respondent, namely, the owner of the premises had objection for a new connection and that therefore no service connection can be given on the application of the petitioner.

4. The learned counsel for the petitioner submitted that there is no dispute between the landlord and the petitioner. He also submitted that no case is pending. The request of the petitioner is that the application for fresh electricity service connection to the premises occupied by him should be considered on the basis of Rule 27(4) of Tamilnadu Electricity Board Distribution Code. The learned counsel for the petitioner further pointed out that the landlord has no objection for extending the electricity service connection to the petitioner and that his objection is for a fresh connection.

5. This Court is required to consider whether the impugned order passed by the second respondent is sustainable and whether the tenant of the premises can obtain service connection without getting consent of the landlord. In this regard, it is relevant to refer *Clause 27(4) of Tamilnadu Electricity Distribution Code* specified by Tamilnadu Electricity Regulatory Commission.

<https://hcservices.courts.tn.nic.in/> Section 86 of the Tamil Nadu Electricity Act, 2003, the State Electricity Regulatory Commission, is empowered to specify and enforce standards with respect to quality, continuity



and reliability of service by licensees. Section 46 of the Tamil Nadu Electricity Act, the Electricity Regulatory Commission is also empowered to exercise its power to authorize a distribution licensee to collect charges for the services. Clause 27(4) of the Tamilnadu Electricity Distribution Code reads as follows:-

" An intending consumer who is not the owner of the premises he occupies shall produce a consent letter in Form 5 of Annexure III to this Code from the owner of the premises for availing the supply. If the owner is not available or he refuses to give consent letter, the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnity bond in Form 6 of the Annexure III to this Code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate."

7. Thus as per Clause 27(4) of Tamil Nadu Electricity Distribution Code, even if the owner refuses to give consent for giving a new service connection as in the present case, the petitioner who is the intending consumer can apply for a fresh connection upon proof of his lawful occupation of the premises and by executing an Indemnity Bond in Form 6 of the Annexure III to this Code, indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.

8. In view of the specific Clause provided under Tamil Nadu Electricity Distribution Code, the impugned order by the first respondent in his proceedings in UMIPO/VI/NAGAR/SEN/KO KATTU/VA AA/AA NO:136/16, dated 14.07.2016 is set aside and the matter is remitted to the first respondent and the first respondent is directed to consider the application for electricity service connection to the petitioner's premises, on merits and in accordance with law, in the light of **Clause 27(4) of the Tamil Nadu Electricity Distribution Code** within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C)

/True Copy/

Sub-Assistant Registrar



To

1.The Assistant Engineer(Town),
Tamilnadu Electricity Board(TANGEDCO),
Senkottai, Tirunelveli District.

2.The Assistant Executive Engineer,
Tamilnadu Electricity Board(TANGEDCO),
Tenkasi, Tirunelveli District.

+1 CC TO MR.G.KASINATHADURAI,ADVOCATE,SR NO.14454

+2 CCS TO MR.J.JEYAKUMARAN,ADVOCATE,SR Nos.14324&14794

PMU

MAS/SKN-RSK:18.04.2017:4P-6C

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