

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5385 of 2018
and
W.M.P.No.6616 of 2018

SRG Apparels Pvt., Ltd.,
Rep.by Rangasamy
Authorized Signatory
No.10-B, Padmavathipuram,
Thirupur - 641 603.

..Petitioner

vs

- 1.The Ombudsmen,
Tamil Nadu Electricity Ombudsmen,
No.19A, Rukmini Lakshmipathy Salai,
(Marshal Road)
Egmore, Chennai - 600 008.
- 2.The Principal Secretary to Government,
Hand Loans Handicrafts Textiles
and Khadi Departments,
Fort St.George, Chennai - 9.
- 3.The Chairman,
Consumer Grievance Redressal Forum,
TANGEDCO, Tirupur - 641 602.
- 4.The Superintending Engineer,
Tiruppur Electricity Distribution Circle,
TANGEDCO, 19A, Jyothi Nagar,
Perumal Nallur Road,
Tiruppur - 641 603.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in his proceedings passed in Appeal No.52 of 2017 dated 11.01.2018 and quash the same and illegal unlawful and arbitrary and consequently direct the 4th respondent to transfer the electricity connection HTSC No.537 from M/s.Design Process to M/S. SRG Apparels Pvt Ltd.

For Petitioner : Mr.S.Venkatesh

For Respondents : No appearance for R1 & R3

M/s.R.Janaki, Additional Government Pleader
for R2

Mr.S.K.Raameshwar, Standing counsel for EB
for R4

O R D E R

The order of rejection passed by the 1st respondent in proceedings dated 11.01.2018, rejecting the claim of the writ petitioner for transfer of name in respect of the Electricity service connection provided in the writ petitioner premises is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is a Company and they are the Manufacturer and exporter of Cotton Knitted Ready Made Garments to high Street buyers of reputed brands in UK, USA and European country with a Annual turnover of 220 Crores. The company has its own spinning mill near Udumalpet and Garment Factories in and around of Tirupur District. The writ petitioner is now running the company at No.10-B, Padmavathipuram, Tirupur. The original owner of the premises is one Mr.S.Saravana Kumar. The original owner entered into a lease agreement with the petitioner Company on 23.01.2017 for a period of 29 years. The lease deed is submitted before this Court and the learned counsel for the petitioner states that when the lease is granted in favour of the writ petitioner for 29 years, the petitioner has to effect name transfer necessarily in respect of the Electricity service connection to avail benefits provided to the companies by the Electricity Board then and there. When the Electricity service connection stands in the name of the original owner, then the petitioner may not be in a position to avail the benefits granted by the Government for the manufacturers of this garments and other products. Thus, the petitioner was constrained to submit an application, seeking name transfer in order to avail the benefits to be provided by the Government for the users of the Electricity Power supply.

3.The application submitted by the writ petitioner was not considered by the Board authorities and the writ petitioner approached the Tamil Nadu Electricity Ombudsmen, Chennai. The Ombudsmen, Chennai also rejected the claim of the writ petitioner on the ground that as per the Electricity Supply Code, the writ petitioner is not an owner of the premises and only in the event of the transfer of title of the property, the name transfer can be effected in favour of the writ petitioner. In case of lessees, a fresh application is to be submitted for providing Electricity service connection.

4.The learned counsel for the respondents also reiterated the said ground by stating that the writ petitioner is eligible to submit a fresh application, seeking Electricity service connection. However, the name transfer is impermissible in view of Clause 5(7) of the Tamil Nadu Electricity Supply Code.

5.This Court is of an opinion that the purpose of name transfer as far as the writ petitioner is concerned is to avail the benefits to be granted by the Tamil Nadu Electricity Board to the benefit of the users of Electricity, more specifically, the industries. In view of the fact that the Electricity service connection stand in the name of the original owner, the writ petitioner is sustaining heavy monetary loss despite the fact that they are the manufacturers of the garments. However, the fact remains that there is a provision for providing Electricity service connection in the name of the writ petitioner, if they file a fresh application seeking Electricity service connection.

6.The learned counsel for the respondents also informed this Court that there is no impediment for the writ petitioner to submit a fresh application seeking Electricity service connection in the premises under the occupation of the writ petitioner.

7.This being the factum of the case, the writ petitioner is at liberty to submit a fresh application for providing the Electricity service connection in the premises of the writ petitioner and if any such application is filed by the writ petitioner, the same shall be considered and the respondents are directed to pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of any such application from the writ petitioner.

8.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Ombudsmen,
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Tiruppur - 641 603.
- +1 CC to Mr.S.Venkatesh, Advocate sr 80296.
+1 CC to Mr.S.K.Raameshwar, Advocate sr 80725.
+1 CC to Govt. Pleader sr 81437.

W.P.No.5385 of 2018

RK(CO)
SP(11/12/2018)

सत्यमेव जयते

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