



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 20.11.2018**

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P(MD)No.19107 of 2018**

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R.Ramakrishnan

... Petitioner

Vs

1. The Superintending Engineer,
TANGEDCO,
Tamil Nadu Electricity Board,
K.Pudur, Madurai.
2. The Executive Engineer,
TANGEDCO, Usilai Road,
Thirumangalam,
Madurai District.
3. The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Kallikudi,
Thirumangalam,
Madurai District.

... Respondents.

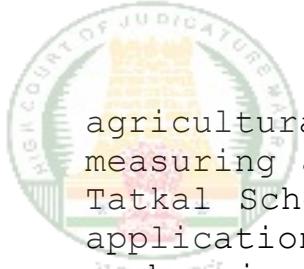
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to provide free electricity connection as per Tamil Nadu Tatkal Scheme, 2018 to the Petitioner based on his application registration No.062/18-19, dated 20.7.2018 within the time stipulated by this Court.

For Petitioner : Mr.K.P.Sankarakumarakuruparan
For Respondents : Mrs.M.Rajeswari
1 to 3 for M/s.S.M.S.Johnny Basha

ORDER

The Petitioner has sought for issuance of a Writ of Mandamus directing the second respondent to provide free electricity connection as per Tamil Nadu Tatkal Scheme, 2018 to the Petitioner based on his application registration No.062/18-19, dated 20.7.2018 within the time stipulated by this Court.

2.The case of the Petitioner is that he has some agricultural lands in S.No.11/4A, measuring an extent of one acre with a tariff III-A electricity connection. The Petitioner has applied for free electricity service connection for another



agricultural land in S.No.61/5A at Maruthangudi village, measuring an extent of one acre and 16 cents under the Tamil Nadu Tatkal Scheme-2018 before the second respondent Office. The said application was registered on 20.7.2018 and his registration number is 062/18-19. He has also taken a demand draft for a sum of Rs.3 lakhs on 30.7.2018 and the authorities asked him to produce the bill for 10 HP motor and in order to pay the said amount, he sold his 25 cents of land and made the money. The respondents asked the Petitioner to produce the bill for 10 H.P. Motor and when he approached the motor shops for 10 HP Motor, it was not available at that point of time and the shop owner accepted to give credit bill for 10 HP Motor and also accepted to supply 10 HP Motor within four days after the payment was made. When the Petitioner approached the second respondent on 31.7.2018, with the demand draft and Credit Bill for 10 HP Motor, the second respondent asked him to submit the same before the third respondent. The third respondent also refused to receive the same and only after inspecting the 10 HP Motor availability, they will include him in the Tatkal Scheme - 2018. Hence the Petitioner submit that he will show the 10 HP motor in three days, but his request was not accepted and on 1.8.2018, the Petitioner came to know that the above said scheme was extended upto 31.8.2018. Hence the Petitioner pleaded to accept his demand draft and on 6.8.2018, the Petitioner after incurring huge expenditure, purchased a 10 HP Motor and informed the same to the third respondent. The Third respondent inspected the Motor and stated that the said motor is not a Star Rated Motor and he had also made an ink mark in the motor which the Petitioner also not able to return the same. After that the authorities have not received the demand draft stating that the Tatkal Scheme was closed. Hence the Petitioner had submitted a representation on 8.8.2018 to the second and third respondents which has not been considered so far. Hence the Petitioner has come forward with the present Writ Petition for the relief stated supra.

3.A counter affidavit was filed by the second respondent stating that for providing free electricity service connection, as per the Tatkal Scheme-2018, the respondents would have allocate the same district-wise and region-wise based on the seniority list and based on the said allocation, they will issue 90 days notice to the persons to register their readiness and accordingly, the intending customers ought to show their readiness and register the readiness to avail free agricultural electricity service connection as per the condition prescribed by the respondents within 90 days time. The respondents would cancel the application if no such amount is paid or no such motor is available. It is further submitted that the respondents have granted free agricultural service connection to the consumers who <https://hse.serve.econetgoi.in/toservice/> their readiness on 31.3.2000 under the Normal Scheme. The Persons registered from 1.4.2000 are standing in the queue. It is further stated that throughout the state as on



31.3.2018, 4.42 lakhs agricultural applications are pending and after receiving date from TANGEDCO, the State Government has announced Fast Track (TATKAL) Self Finance Scheme 2018-19, dated 30.6.2018 and in the said scheme it has been stated as under:

WEB COPY 'In order to fast track, effecting of agriculture service connection for the pending applicants, new free agriculture service connection will be effected for 10,000 willing applicants in the pending list against a one time payment of Rs.2,50 lakhs for 5 HP Motor, Rs.2.75 lakhs for 7.5 HP Motor, Rs.3 lakhs for 10 HP Motor and Rs.4 lakhs for 15 HP Motor through fast track(TATKAL) Scheme for this year also. '

4.The respondents would further submit that the Petitioner's application was registered under the normal Free Agricultural Scheme on 20.7.2018.. After knowing Fast Track(TATKAL) Self Finance Scheme 2018-2019 dated 30.6.2018, the Petitioner approached the authorities with Demand Draft for Rs.3 lakhs on 30.7.2018.The Petitioner is directed to fix the prescribed motor ie., Star Rated Motor and also directed to produce the purchase bills and that the Bureau of Energy Efficiency(BEE) has prescribed for the Star Rating Motor. Hence the authorities advised the consumers to fix only Star Rated Motors. If they did not purchase star rated motor and if they only purchase the normal motor, then the application of such applicants should not be considered and it was not registered under the said scheme. The petitioner approached the respondents to extend the time to show the readiness till 4.8.2018. On 4.8.2018, the Petitioner told that he has purchased the star rated motor, but on verification, it was not so. Hence the case of the petitioner was not considered by the respondents.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.On going through the Tatkal Scheme it is revealed as under:

"This Tamil Nadu Tatkal Scheme 2018 will help the Farmers in the Tamil Nadu State. Therefore the Government is hoping that the farmers will utilise this Scheme. This will not only give benefits for the farmers but also creates awareness about Different agricultural practices. So, accordingly, this Tamil Nadu Tatkal Scheme will give benefits to the Farmers who will pay amount for the motors. Apparently, an individual have to pay Rs.2.5 lakhs for 7.5 HP Motor. And for the 10 HP Motor farmer have to pay Rs.3 lakhs while to get 15 HP Motor Farmer should pay Rs.4 lakhs. Therefore, the Tamil Nadu Government mentions that the Farmer who will buy any of the above mentioned motor will get Free Electricity Connection.



The Government mentions that the benefits of this is only for the Farmers in Tamil Nadu. Also the TANGEDCO mentions that received around 20,000 applications.

7. Pursuant to the above said scheme, it could be seen that this is only to give benefits to the farmers and also to create awareness between the farmers. As per the above said scheme, the farmers would pay amount with regard to the power of the motor. Accordingly, the individual has to pay the rates as stated supra and has to get the free agricultural service connection. But in the said scheme there was no mention about the facts that the applicants should only purchase and fix star rated motors and the contention of the respondents that only star rated motor has been prescribed is not found in the scheme and the said submission is found to be a false one. If they had the intention to allot only to the farmers who only buy star rated motors, it has to be mentioned in the scheme and failing to do so and later on making the Petitioner to run from pillar to post to get the star rated motor is only a mockery. In order to facilitate some persons, the Petitioner has not been given the chance, is the contention raised by the Petitioner, which has to be accepted by this Court. When the respondents itself has stated that it is a very small village and in such area, such kind of star rated motors are not sold and pressurizing the farmers to run to some other town to purchase the motor within the stipulated time is not possible and it is only a denying tactics followed by the concerned authorities. The authorities concerned were directed to appear before this Court and they also accepted that there is no such mention in the scheme and there was no written instruction given to the farmers or persons to buy only star rated motors. In the absence of any such condition prescribed in the scheme, denial to accept the application of the Petitioner is arbitrary and this Court is inclined to pass orders directing the respondent concerned to consider the case of the Petitioner for free agricultural electricity service connection. If the respondents is of the view that Government has already finalised the number of connections to be given as per the scheme and the same is already over and they cannot give new connection under the above said scheme in the current year, first preference will have to be given to the Petitioner by the authorities concerned in the next year and if no such scheme is available in the next year, the petitioner has to be given preference as a special case, since there was no written instruction by the authorities concerned to direct the farmers only to purchase star rated motors for providing free agricultural electricity service connection under the above said scheme.



8. With the above directions, the Writ Petition is allowed. No costs

Sd/-

Assistant Registrar(records)

/True Copy/

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Sub Assistant Registrar(CS-II)

To

1. The Superintending Engineer,
TANGEDCO,
Tamil Nadu Electricity Board,
K.Pudur, Madurai.
2. The Executive Engineer,
TANGEDCO, Usilai Road,
Thirumangalam,
Madurai District.
3. The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Kallikudi,
Thirumangalam,
Madurai District.

+1 cc To M/s.S.M.S.Johnny Basha, ADVOCATE IN SR NO.96198

+1 cc To Mr.K.P.Sankarakumarakuruparan, ADVOCATE IN SR NO.96143

vsn

MK/KK/RSK/SAR 2/28.12.2018/5P/6C

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