

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3511 of 2019 and
WMP.Nos.3810 and 3811/2019

Skyrams Outdoor Advertisings India Private
Limited rep. by its Authorised Signatory,
Old No.67A, New No.59, Bharathi Colony,
Peelamedu, Coimbatore-641 004.

... Petitioner

Vs

1. Tamil Nadu General and Distribution
Corporation Limited rep. by its
Executive Engineer, Coimbatore
Electricity Distribution Circle/
Central, Coimbatore-641 018.
2. The Assistant Executive Engineer/
TANGEDCO, Coimbatore Electricity
Distribution Circle/City,
Town Hall,
Coimbatore 641 001.
3. Coimbatore Smart City Limited
rep. by its Managing Director,
Big Bazaar Street,
Coimbatore-641 001.
4. Coimbatore City Municipal Corporation
rep. by its Commissioner,
Coimbatore-641 001.
5. The District Collector,
Coimbatore-641 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to his Letter No.AEE/O&M/TH/C.Genl/S.No.342/19 dated 25.01.2019 and quash the same and direct them to continue to ensure uninterrupted power supply to Service Connection No.001-003-0983 on collection of consumption charges from the petitioner.

For Petitioner : Mr.K.Doraisami,
Senior Counsel
for M/s.Muthumani Doraisami

For Respondents: Mr.S.K.Raameshuwar,
1 and 2 Standing Counsel

For 5th respondent: Mr.K.Ravikumar

O R D E R

This Writ Petition has been filed, challenging the letter of the 2nd respondent, namely, The Assistant Executive Engineer/TANGEDCO, Coimbatore Electricity Distribution Circle/ City, Town Hall, Coimbatore 641 001, quash the same and for further direction, directing them to continue to ensure uninterrupted power supply to Service Connection No. 001-003-0983 on collection of consumption charges from the petitioner.

2. Mr.K.Doraisami, learned Senior Counsel appearing for the petitioner submitted that the petitioner is an Advertising Agency, doing its business after obtaining valid licences from the authorities concerned whereas Coimbatore Smart City Limited, the 3rd respondent herein was established to translate into action the Smart City Mission initiated by the Government of India in the city of Coimbatore. The Managing Director of Coimbatore Smart City Limited, the 3rd respondent herein, floated Tender Notice No.e-5/Smart City/17-18/SCM inviting requests before 15.11.2017 for proposals to provide 30 electronic display boards with Air Quality Monitoring Systems including Operation and Maintenance against commercial advertisement rights on DBOT (Design-Build-Operate-Transfer) basis as a part of Smart City Mission initiated by the Government of India on 25.10.2017.

3. The learned Senior Counsel for the petitioner further submitted that the petitioner submitted their tender for installation and commissioning of the electronic display boards on 15.11.2017. The technical bid of the petitioner was accepted by the authorities on 07.12.2017. Based on the same, a letter of acceptance dated 25.01.2018 accepting the contract value of the petitioner was issued. Thereafter, an agreement was also executed by the petitioner for installation and commissioning of the Digital Information Board as a part of Smart City Mission. When the petitioner was able to comply with all the terms and conditions executed on 15.02.2019 as a successful bidder, the 2nd respondent, namely, The Assistant Executive Engineer/TANGEDCO, Coimbatore Electricity Distribution Circle/ City, Town Hall, Coimbatore 641 001 issued the impugned letter asking the petitioner to produce 'No Objection Certificate' again from

the District Collector, Coimbatore.

4. The learned Senior Counsel for the petitioner also submitted that when the Commissioner of Coimbatore City Municipal Corporation, the 4th respondent herein, agreeing with the fact that the petitioner's technical bid was accepted and finally, a letter of acceptance for the offer of the petitioner for payment of Annual Licence Fee at Rs.18,00,000/- per year at the rate of Rs.60,000/- per Digital Information Board was issued, he has also executed an agreement by furnishing security deposit of Rs.9,00,000/- which is adjustable from the Earnest Money Deposit of Rs.7,00,000/- already paid. Thereafter, as per the conditions of the contract, going by the instructions given by the respondents 3 and 4, the petitioner Private Limited started erecting Digital Information Boards at the places identified by the authorities by incurring huge expenditure. When none of the Digital Information Board is located either in traffic signals or in a place obstructing the right of way of the general public and some Digital Information Boards are erected within the premises of the 4th respondent Corporation, the 2nd respondent, namely, The Assistant Executive Engineer/TANGEDCO, Coimbatore Electricity Distribution Circle/City, Town Hall, Coimbatore 641 001 misconstruing some information, has wrongly issued the impugned letter dated 25.01.2019 asking the petitioner not to proceed without obtaining 'No Objection Certificate' from the District Collector, Coimbatore and produce the same, failing which the electricity service connection would be disconnected in respect of Service Connection No.001-003-0983. It is only the lack of coordination between the Coimbatore City Municipal Corporation District Administration and the Electricity Department for which the petitioner has to face huge prejudices and financial problems, the learned Senior Counsel pleaded.

5. When the matter was taken up on 6.2.2019, Mr.S.K.Raameshuwar, learned Standing Counsel for the respondents 1 and 2 sought for time to take instructions. Accordingly, the matter was adjourned today.

6. Today, when the matter is called, the learned Standing Counsel for the respondents 1 and 2 by producing a copy of a Memo dated 20.8.2016 fairly submitted that since the TANGEDCO Technical Branch, Chennai has issued a Memo dated 20.08.2016 stating that the following documents shall be obtained while effecting service connection to the Hoardings, namely, 1) License issued by the District Collector to erect a Hoarding; 2) No Objection from the owner of the land where the hoarding is to be erected in a land or building (including Government land/building); 3) Certificate from a police officer not below the rank of Deputy Superintendent of Police in case of City

Municipal Corporation, Municipality or Town Panchayat and in case of other areas, a certificate from a Police Officer not below the rank of Inspector of Police shall be obtained to the effect that the proposed hoarding would not be an obstruction to free and safe movement of traffic, pedestrians and vehicles; and 4) A topo sketch indicting the proposed location of the hoarding and a plan of the hoarding as approved by a qualified engineer, the 2nd respondent as per the said Memo dated 20.08.2016 sought for 'No Objection Certificate' from the owner of the land where the hoardings are being erected. The learned Standing Counsel for the respondents 1 and 2 further submitted that as per the said Memo, the petitioner was asked to obtain and produce the 'No Objection Certificate'.

7. Heard the submissions made on either side.

8. Considering the facts and circumstances of the matter, this Court is of the view that since a tender for installation of the Digital Information Board itself has already been issued by the 3rd respondent, namely, the Managing Director of the Coimbatore Smart City Limited to the petitioner, there is no need for producing any separate licence from the respondents 1 and 2 and similarly, 'No Objection Certificate' is also not required from the District Collector, Coimbatore. Therefore, the impugned letter of the 2nd respondent dated 25.01.2019 is quashed with a direction to the respondents not to interfere with the power supply provided to Service Connection No.001-003-0983.

9. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
Tamil Nadu General and Distribution
Corporation Limited, Coimbatore
Electricity Distribution Circle/
Central, Coimbatore-641 018.

2. The Assistant Executive Engineer/
TANGEDCO, Coimbatore Electricity
Distribution Circle/City,
Town Hall,
Coimbatore 641 001.
3. The Managing Director,
Coimbatore Smart City Limited,
Big Bazaar Street,
Coimbatore-641 001.
4. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.
5. The District Collector,
Coimbatore-641 018.

+1cc to Mr.Muthumani Doraisamy, Advocate, S.R.No. 11244
+1cc to the Government Pleader, S.R.No. 12324

W.P.No.3511 of 2019

EV(CO)
GN(06/03/2019)



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