

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4943 of 2019

M.Subbulakshmi

.. Petitioner

-vs-

1.The Tamil Nadu State Electricity Board,
rep. by its Chairman,
10th Floor, N.P.K.K.R.Maligai,
144 Anna Salai,
Chennai 600 002.

2.The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Lakshmipuram,
TANGEDCO/CEDC/NORTH
Chennai 600 099.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to provide electricity connection (domestic purpose) to the petitioner's premises viz. Old Plot No.153, New Plot No.76, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, based on his application dated 28.12.2018.

For Petitioner :: Mr.S.P.Sudalaiyandi

For Respondents :: Mr.P.R.Dhilip Kumar,
Standing Counsel
for R1 and R2

WEB COPY
ORDER

The petitioner has come to this Court seeking a direction to the respondents to provide electricity connection to her premises situated at Old Plot No.153, New Plot No.76, Bharath Rajiv Gandhi Nagar, Kolathur, Chennai 600 099, based on her application dated 28.12.2018.

2.It is averred in the affidavit that one P.Selvamani, S/o.Ponnusamy is the owner of an extent of acre 3.35 cents comprised in S.No.13 situated at Kulathur Village and Taluk. In the above said property, the petitioner purchased one plot bearing Old Plot No.153, New Plot No.76 to an extent of 880 sq.ft. vide un-registered sale deed dated 20.10.2009. After her purchase, she has put up a thatched house in the said land and she has obtained water and sewerage connection and she has also been paying necessary tax to the competent authorities. According to the petitioner, on 28.12.2018, she submitted an application to the second respondent with an indemnified bond and other documents for granting electricity connection to her house for domestic use, but the second respondent, informing that the registered sale deed is necessary for grant of electricity connection, refused to grant the same. Hence, she is before this Court seeking the above prayer.

3.Learned counsel appearing for the petitioner would submit that when the petitioner applied for grant of electricity connection under Regulation 27(4) of the Tamil Nadu Electricity Distribution Code, the respondents refused to provide domestic electricity connection to the petitioner's premises. According to the learned counsel appearing for the petitioner, the petitioner has also produced a copy of the sale deed dated 20.10.2009 issued in her favour along with tax and water tax receipts dated 28.04.2011, 01.06.2013 and 12.08.2014 issued in the name of the petitioner by the Urban Land Tax Department and gas connection receipt dated 19.12.2016 issued by the Indian Oil Corporation Ltd.

4.Learned counsel appearing for the petitioner further submitted that in a similar circumstance, this Court vide order dated 20.12.2018 in W.P. No.27924 of 2018, has directed the Chairman and the Assistant Executive Engineer (O&M), Tamil Nadu Electricity Board, the respondents 1 and 2 therein to provide domestic electricity service connection to the premises of the writ petitioner by obtaining an indemnity bond and undertaking as required under Clause 27(4) of the Tamil Nadu Electricity Distribution Code, within a period of four weeks, after verifying the eligibility criterias of the writ petitioner in respect of providing the electricity service connection in the premises. Therefore, the learned counsel prays for a similar order.

5.Heard both sides.

6.A perusal of the Regulation 27(4) of the Tamil Nadu Electricity Distribution Code shows that an intending consumer, who is not the owner of the premises, shall produce the valid proof of his being in occupation of the premises and also execute an indemnity bond in FORM-6 of Annexure III to this Code, which is given as under:

'(4) An intending consumer who is not the owner of the premises 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 refuses to give consent letter, the intending consumer shall produce valid proof of his being in occupation of the premises and also execute an indemnity bond in FORM-6 of 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.In the light of the above, this Court hereby directs the petitioner to execute a indemnity bond and undertaking as required under Clause 27(4) of the Tamil Nadu Electricity Distribution Code and produce all other relevant documents. If the petitioner comes forward with all other relevant documents, the respondents are directed to provide domestic electricity service connection to the premises of the petitioner by obtaining the indemnity bond and undertaking as required under clause 27(4) of the Tamil Nadu Electricity Distribution Code within a period of two weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vga

To

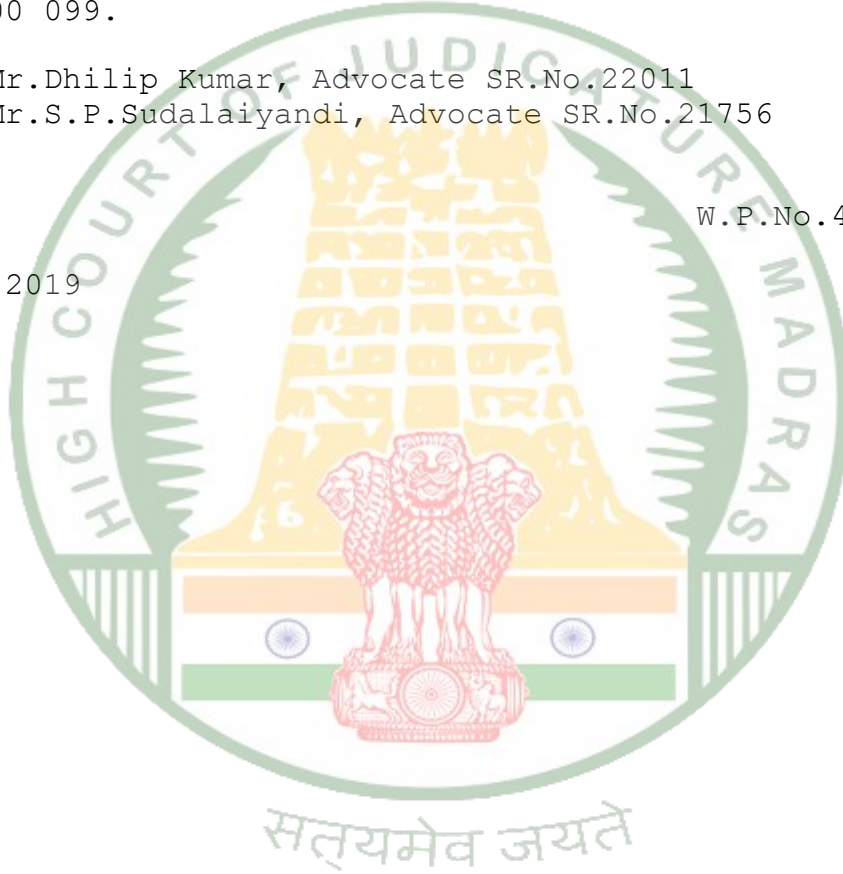
1.The Tamil Nadu State Electricity Board,
rep. by its Chairman,
10th Floor, N.P.K.K.R.Maligai,
144 Anna Salai,
Chennai 600 002.

2.The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
Lakshmipuram,
TANGEDCO/CEDC/NORTH
Chennai 600 099.

+1 cc to Mr.Dhilip Kumar, Advocate SR.No.22011
+1 cc to Mr.S.P.Sudalaiyandi, Advocate SR.No.21756

W.P.No.4943 of 2019

MG (CO)
CSL/05.04.2019



WEB COPY