

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.14484 of 2019

and

W.M.P.No.14500 of 2019

Shamsudeen Mahaboob Basha

S/o.Mahaboob Basha

...Petitioner

Vs

1.The Chairman
TANGEDCO,
No.800, Anna Salai,
Chennai - 600002.

2.The Assistant Executive Engineer,
TNEB, 110 KV, Puduthangal SS,
Mullainagar, Tambaram,
Chennai - 600 045.

3.The Assistant Engineer (O&M),
TNEB, Sembakkam,
Rajakilpakkam SS,
Chennai - 600073.

4.Rangarajan
S/o.Seshadri

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 2 and 3 to effect new electricity service connection to the petitioner's business premises under the name and style of 'EYE & ME Optics' situated at the premises bearing Plot No.87, Door No.47, Mahalakshmi Nagar, Chennai - 600 073, in accordance with Clause - 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, within the time to be stipulated by this Court, based on the petitioner's representation dated 09.05.2019.

For Petitioner : Mr.R.Bharathkumar

For Respondents: Mr.S.K.Raameshwar

Standing Counsel [R1 to R3]

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus directing respondents 2 and 3 to effect new electricity service connection to the petitioner's business premises situated at Plot No.87, Door No.47, Mahalakshmi Nagar, Chennai - 600 073, in accordance with Clause - 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, within a stipulated time, based on the petitioner's representation dated 09.05.2019.

3. Heard learned counsel for petitioner and learned Standing Counsel for respondents 1 to 3.

4. Learned counsel for petitioner submits that he is a tenant under the fourth respondent and running a business in the subject premises. Due to certain dispute, the fourth respondent removed the fuse carrier, owing to which his business is very much affected for want of electricity. As he is in immediate need of electricity, petitioner submitted a representation to the third respondent on 09.05.2019 requesting to provide electricity service connection to the subject premises. Since no action has been taken on the representation of the petitioner, he has filed the present Writ Petition seeking the aforesaid relief.

5. On the other hand, learned Standing Counsel for respondents 1 to 3 referred to Section 27(4) of the Tamil Nadu Electricity Distribution Code 2004 and submitted that the petitioner is entitled for the electricity connection provided he complies with all the conditions prescribed in Tamil Nadu Electricity Distribution Code 2004 and provides all the documents which are required by respondents 1 to 3. Section 27 (4) of the Tamil Nadu Electricity Distribution Code is extracted hereunder for better appreciation:

"27(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 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 the 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."

6. Per contra, learned counsel for petitioner submitted that the petitioner is ready to execute an indemnity bond indemnifying the licensee against any loss and is also ready to pay the security deposit twice the normal rate.

7. When the petitioner is ready to satisfy the conditions in Clause 27(4) of the Tamil Nadu Electricity Distribution Code, the respondents 1 to 3 cannot insist for other documents. Even though the petitioner is ready to comply with the conditions contained in Clause 27(4) of the Tamil Nadu Electricity Distribution Code, the failure on the part of the respondents 1 to 3 in not granting the service connection to the petitioner's premises is condemnable. Therefore, this Court is of the view that the writ petitioner is entitled to get service connection, if he complies with all the conditions contained in Clause 27(4) of the said Code.

8. Accordingly, the writ petition is disposed of directing the respondents 2 and 3 to consider the petitioner's representation dated 09.05.2019 and grant service connection to the petitioner's premises subject to the following conditions :

i) the petitioner executes an indemnity bond in Form 6 of Annexure III to this Code indemnifying the Board against any loss on account of disputes arising out of effecting service connection to the petitioner's premises;

ii) the petitioner pays the security deposit twice the normal rate.

On such compliance, respondents 1 to 3 are directed to provide electricity service connection to the petitioner's premises, after putting the fourth respondent on notice, within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar (VO)

//True copy//

Sub Assistant Registrar

gm/gpa

To

1.The Chairman
TANGEDCO,
No.800, Anna Salai,
Chennai - 600002.

2.The Assistant Executive Engineer,
TNEB, 110 KV, Puduthangal SS,
Mullainagar, Tambaram,
Chennai - 600 045.

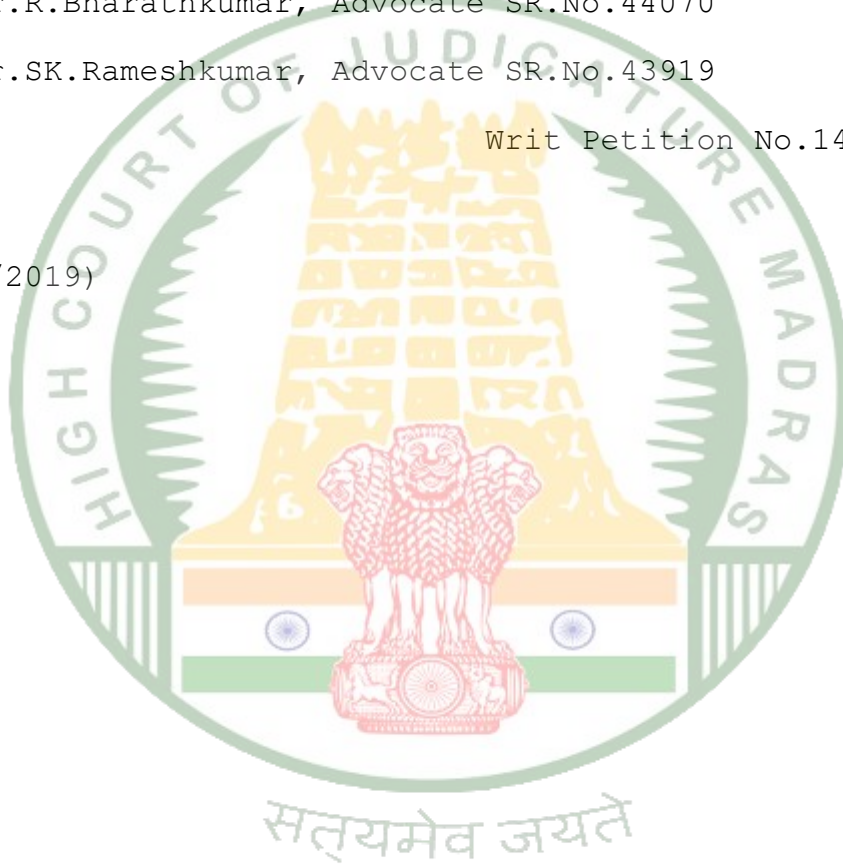
3.The Assistant Engineer (O&M),
TNEB, Sembakkam,
Rajakilpakkam SS,
Chennai - 600073.

+1cc to Mr.R.Bharathkumar, Advocate SR.No.44070

+1cc to Mr.SK.Rameshkumar, Advocate SR.No.43919

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NML (CO)
GMY (23/05/2019)



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