

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2019

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9738 of 2017
and WMP.No. 10713 of 2017

NMP Readymates,
Represented by its Partner,
Tmt. Srividya,
Carrying on business at
T.S.Nos. 1209 and 1210, Kothaval Station Street,
Chidhambaram 608 001,
Cuddalore District. ... Petitioner

-vs-

1. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Chidhambaram 608 001,
Cuddalore District.
2. The Assistant Executive Engineer/Town,
TANGEDCO,
Chidhambaram 608 001,
Cuddalore District.
3. The Assistant Engineer,
Town-West,
TANGEDCO,
Chidhambaram,
Cuddalore District. .. Respondents

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Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, forbearing the
respondents from insisting the petitioner to convert the
electricity service connection No. 048-007-179 (16 KW) from LTCT
service to HT service in the petitioner premises.

For Petitioner : Mr.J.Karunanthi

For Respondents : Mr.M. Varun Kumar
Standing Counsel

ORDER

Heard Mr.J.Karunanthi, learned counsel for the petitioner and Mr.M.Varun Kumar, learned Standing Counsel for the respondents.

2.With consent of learned counsel on either side, this writ petition is taken up for final disposal.

3. The petitioner seeks for Writ of Mandamus forbearing the respondents from insisting the petitioner to convert the electricity service connection from LTCT to HT service.

4. The respondent found that there are two LTCT service connections in same premises where two business are run by the same family and therefore, the respondent Board submits that it is not permissible and it should be treated as single LTCT and based on the same, they have to be necessarily converted to HT service. It is admitted that there are two business. Merely because the same set of partners/directors are running the business, cannot be a reason to disbelieve that two business are distinct and different entities. If the respective business concerns are able to produce documents to show that each is a separate legal entity, the respondent Board cannot insist upon conversion to HT service.

5. In the event of establishing that they are two separate entities, then option can be given to the petitioner to convert one of the LT service connection to the name of other entity. Sharing of a single premises by two concerns cannot be the only reason to state that the two concerns are one and the same, because there is a common entrance to the building. However if the petitioner is unable to succeed in establishing that the two concerns are distinct legal entities, then they have to necessarily convert the LT service connection to HT service.

6. With the above observations, this writ petition is disposed of by directing the petitioner to appear before the 3rd respondent and produce all documents to substantiate his case that there are two distinct legal entities. Upon failure, the respondent shall direct the petitioner to convert the service connection to HT service. Based on the documents that are produced, if the 3rd respondent is convinced that they are two separate legal entities then the petitioner should be permitted to convert one of the LT service to the name of the other entity.

7. Furthermore, the 3rd respondent can inspect the property to ensure that though there is a single entrance, there is a permanent segregation for two different units. Equally the petitioner is directed to appear before the 3rd respondent and produce necessary documents within three weeks from the date of receipt of a copy of this order and thereafter the 3rd respondent to comply with the above direction within four weeks there from.

With this observation the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Chidhambaram 608 001,
Cuddalore District.
2. The Assistant Executive Engineer/Town,
TANGEDCO,
Chidhambaram 608 001,
Cuddalore District.

3. The Assistant Engineer,
Town-West,
TANGEDCO,
Chidambaram,
Cuddalore District.

+1cc to Mr.J.Karunanathi, Advocate sr.100550
+1cc to Mr.M. Varun Kumar, Advocate sr.101062

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nr 27/01/2020



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