



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.02.2019
CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)No.14645 of 2018 and
W.M.P.(MD)No.13210 & 13211 of 2018

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Tomy Corera,
S/o.Selastin Corera,
(Proprietor of Rosel Engineering Works),
No.64-B, Santhai Road,
Thoothukudi -2.

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Generation
and Distribution Corporation,
K.R.Ramasamy Maligai,
144, Anna Salai, Chennai.
2. The Tamil Nadu Electricity Ombudsman,
19-A, Rukmini Lakshmipathy Salai (Marshal Road),
Egmore, Chennai - 600 008.
3. The Chairman (Superintending Engineer),
Electricity Consumer Redressal Forum,
Distribution Circle, Tamil Nadu Electricity Board,
131-132, Ettayapuram Road, Thoothukudi - 628 001.
4. The Assistant Engineer,
(Distribution),
Tamil Nadu Electricity Board,
Thoothukudi/Urban East,
40, Beach Road, Thoothukudi - 628 002.
5. The Chairman,
V.O.C. Port Trust,
Administrative Office,
Thoothukudi.

... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of appeal petition No.48/2017 dated 15.12.2017 on the file of the second respondent and quash the same and further directing respondents 1 to 4 to provide electricity connection to the petitioner for maintaining the Boat Yards No.1, 2 and 3 at Zone 'B' belongs to the fifth respondent.

For Petitioners
For R-1 to R-4

: Mr.R.Balakrishnan
: Mr.A.U.Ramanathan,
Standing Counsel.



For R-5

: Mr.Yaswanth

O R D E R

Heard the learned counsel on either side.

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2. The Writ petitioner is in possession of the Boat Yard No.3, at Zone 'B' belonging to V.O.C. Port Trust. The petitioner seeks provision of electricity connection for maintaining the same. The petitioner made a request on 04.03.2017. The petitioner's request was declined by T.A.N.G.E.D.C.O. primarily on the ground that the yard in question has been leased out by Port Trust in favour of Muthu Nagar Thoni and Mithavai Kalam Urimaiyalarkal Kazhagam. The rejection order passed by the fourth respondent was sustained by the other authorities also. Challenging the same, this Writ petition has been filed.

3. The occupation of the Boat Yard No.3 at Zone-B by the Writ petitioner is not in dispute. The only question raised by the learned counsel appearing for T.A.N.G.E.D.C.O. is with regard to the lawful character of the said occupation.

4. I am of the view that the T.A.N.G.E.D.C.O. need not bother about this aspect of the matter because the fifth respondent Port Trust has not questioned the petitioner's entitlement to receive electricity supply. Likewise there is no rival claim from any quarters. Therefore, I am of the view that this is a case in which the statutory mandate set out under Regulation 27 of the Tamil Nadu Electricity Distribution Code 2004 will have to be applied. Regulation 27(4) of the Tamil Nadu Electricity Distribution Code 2004 reads as under:-

"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 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 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."

5. Therefore, this Court has no hesitation to quash the order impugned in this Writ petition and accordingly, it is quashed. The petitioner shall of course comply with the statutory formalities laid down in the Electricity Act, 2003 and the regulations framed thereunder. Upon fulfillment of the formalities by the Writ petitioner, the fourth respondent shall provide electricity connection without delay to the petitioner.



6. This Writ petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

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Sub Assistant Registrar

To

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Generation
and Distribution Corporation,
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(Distribution),
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Thoothukudi/Urban East,
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+1cc to Mr.A.U.Ramanathan, Advocate, SR.No.49823

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SP/25.02.2019/ 3P/6C