

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24975 of 2012

Sri Venkateswara College of Engineering and Technology,
Rep.by its Chairman and Managing Trustee,
Thirupachur - 631 203,
Thiruvallur District. ... Petitioner

Vs.

- 1.The Chief Electrical Inspector,
Government of Tamil Nadu,
Electrical Inspectorate,
Thiru-vi-ka-Industrial Estate,
Guindy, Chennai - 600 032.
- 2.The Superintending Engineer,
Electricity Distribution Circle,
Kancheepuram.
- 3.Assistant Executive Engineer,
KCDC/North/Tiruvallur. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent in his communication Lr.No.AEE/O&M/North/TRL/F/HT/DNo.42/2012 dated 27.08.2012 to quash the same and further direct the 2nd respondent to restore the Supply of Electricity from original Tiruvallur Sub Station as per the representation of the petitioner institution Sri Venkateswara College of Engineering and Technology dated 27.08.2012.

For Petitioner : M/s.M.Raja Sekhar

For Respondents: M/s.P.Gunaraj
Senior Counsel

O R D E R

Heard Mr.M.Raja Sekhar, learned counsel for the petitioner and Mr.P.Gunaraj, learned counsel for the respondents.

2. The petitioner is a Private Engineering College established in the year 1996 and they seek to challenge the proceedings of the third respondent dated 27.08.2012 by which there was a proposed change over of the petitioner's HT supply from dedicated Metro Water Feeder to 11 KV Poondi (Rural) feeder fed from 110/11 KV Kadambathur Sub-Station. At the time, when the writ petition was entertained, an order of interim stay has been granted and there was also interim direction directing the respondent to supply the HT for 400 KVA to the petitioner institution during the college working hours 8.30 a.m. to 5.00 p.m. The petitioner had been granted electricity supply for their HT Supply No.257 with the connected load of Kadambathur from a sub-station which was exclusively dedicated for the Metro water. It is not clear as to how the respondent board could have granted high tension service connection to a Private Engineering College from a dedicated feeder exclusively meant for Metro Water. Therefore, the respondents in their wisdom had granted such concession. By virtue of the impugned order, the respondent has proposed to change over to another feeder, which is not a dedicated feeder, this is being challenged by the petitioner in this writ petition.

3. Firstly, this Court is not fully convinced, as what would be the petitioners locostandi to insist upon the high tension service connection from the dedicated feeder. However. The petitioner is trying to take advantage of the wrong committed by the Electricity Board presumably at the connivance of the officials of the Board who were in-charge of the affairs at the relevant time. The petitioner is right in contending that in terms of the impugned order, an option has been given to them to get supply from the Metro Water dedicated feeder under deposit contribution work (DCW).

4. The learned Standing Counsel for the respondents would contend that the current situation does not permit any such concession to the petitioner. However, the fact remains that the third respondent in the impugned order has committed to the said effect. Therefore, if the petitioner is willing to comply with the condition, the petitioner's representation needs to be considered. From the counter affidavit filed by the respondents 2 and 3, it is not clear as to whether the third respondent was

competent to give such a concession to the petitioner. The counter affidavit of the first respondent also does not state that the said concession is not feasible of consideration.

5. The learned counsel for the respondents submits that the third respondent has no jurisdiction to grant any concession as stated in the impugned order stating that he will grant connection from the same dedicated feeder, if deposit contribution work is paid. If that is so, then the concerned Officer should have been charge-sheeted and disciplinary action should have been initiated against the officer.

6. In the light of the above, there will a direction to the second respondent to consider the petitioner's case, if they are willing to comply with the condition mentioned in the impugned order dated 27.08.2012 by paying deposit contribution work and such consideration shall be done strictly in accordance with law.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chief Electrical Inspector,
Government of Tamil Nadu,
Electrical Inspectorate,
Thiru-vi-ka-Industrial Estate,
Guindy, Chennai - 600 032.

2.The Superintending Engineer,
Electricity Distribution Circle,
Kancheepuram.

3.Assistant Executive Engineer,
KCDC/North/Tiruvallur.

+1cc to Mr.Rajasekhar, Advocate Sr.24166

+1cc to Mr.P.Gunaraj, Advocate Sr.24146

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srg 31/07/2020



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