

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2020

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.6150 of 2020
and
W.M.P.No.7218 of 2020

Jose Mathew

... Petitioner

Vs.

1. The Tamil Nadu Electricity Board (TANGEDCO)
rep. by its Chairman,
10th Floor, N.P.K.K.R.Maaligai,,
No.144, Anna Salai,
Chennai - 600002.
2. The Assistant Electrical Engineer,
Tamil Nadu Electricity Board TANGEDCO
Gopi Electricity Distribution Circle,
Ammappettai - 638301.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings dated 07.01.2020 in Lr.No.AE/O&M/GEDC/A.Pettai/Serv.Appln/No.006/20 of the 2nd respondent herein and quash the same and consequently, direct the respondents herein to forthwith provide a new electricity service (LT) connection to the Residential House lying on the western side of the factory building bearing Door No.427, Tax Assessment No.682 comprised in S.F.No.105/2A, 105/2B(Part), Sudamuthanpatty, Singampettai (PO), Bhavani Taluk, Erode District - 638311.

For Petitioner : Mr.K.Srinivasan

For Respondents : Mr.P.Senthilvel
Additional Government Pleader
Mr.Vijay Meghanathan
Standing Counsel (TANGEDCO)

O R D E R

(The case has been heard through video conference)

This writ petition has been filed challenging the proceedings of the second respondent dated 07.01.2020 wherein, the request made by the petitioner for electricity connection was rejected.

2. Pursuant to the above order, an inspection was conducted by the officials of TANGEDCO and a report has been filed before this Court. The relevant portions in the report is extracted hereunder :-

"4. On physical verification, it was seen that, petitioner godown and present address for which LT service connection is sought are in the same premises and same building, i.e., the building for which LT Service is sought and the building in which HT service connection was granted are part of the same building. Further, there is no physical and Electrical segregation for the building and the shares the same entrance. The residential guest house building for which LT service connection is sought for is formed adjoining with HT service godown wall (Photos attached for kind reference).

5. As per TNERC Electricity Distribution Code, 2004, Clause 27(14) states as follows:

Clause 27 : Requisition for Supply of Energy:

(14)Where more than one person or more than one establishment is ore intended to be in occupation of a door number or sub door number, more than one service connection will be given only if there a permanent physical/electrical segregation of areas for which different service connection are applied for'.

6. Clause 29 (3) of the Distribution Code, 2004 specifies as follows :

Clause 29 : Service Lines :

(3) The existing High Tension consumers who want to avail a separate service for their expanded industrial activities within a Door No. or Sub Door No. (in the same premises) a new service connection shall be given, provided the extension is physically and electrically segregated.

7. On inspection the door no. for which service connection is sought for by the Writ Petitioner is not physically and electrically segregated and is situated in the same premises and building, which also comprises the godown of the Petitioner, for which the HT Line is disconnected. The HT service connection of the Writ Petitioner was disconnected as per the direction of the Tamil Nadu Pollution Control Board and if the present LT connection is granted it may lead to misuse of Energy to HT service since the buildings are not physically and electrically segregated.

This report is placed for the consideration of the Hon'ble Court."

3. The learned counsel appearing for the petitioner submitted that even though the factory is closed, security guards are posted on the residential portion of the property.

There are valuable assets inside the factory premises and it has to be take care. The learned counsel further submitted that even if a single phase connection is given by the respondents, that will be sufficient for the residential portion and it cannot be used for running the factory as alleged by the respondents.

4. Per contra, Mr.Vijay Meghanathan, learned standing counsel appearing on behalf of the TANGEDCO submitted that the portion of the property for which the electricity connection is sought for by the petitioner, forms part of the same premises and it is not a separate premises for which independent service connection can be given. The learned counsel relied upon Clause 27 and Clause 29 of the Tamil Nadu Electricity Distribution Code, 2004 and submitted that no new service connection can be given where the property in question is not physically segregated. The learned counsel further submitted that the Officials are apprehending that the petitioner will misuse the service connection to run the factory and the same will go against the direction issued by the Tamil Nadu Pollution Control Board.

5. This Court has carefully considered the submissions made on either side and also the report submitted by the Assistant Engineer.

6. Even though the factory premises and the residential portion of the property are assessed independently and they have different door numbers, physically they both form part of the same structure. Admittedly, when the HT connection was utilised, electricity was drawn to the residential portion only from the said HT connection and it never had an independent electricity connection. Therefore, the officials of TANGEDCO apprehend that if the electricity connection is given for the residential portion, the same will utilised for running the factory also. This Court does not find the said apprehension to be unreasonable.

7. It is also seen from the Electricity Distribution Code that in order to provide an independent electricity connection, the property must be physically segregated and only then an independent service connection can be given.

8. This Court, therefore, does not find any illegality in the impugned order passed by the second respondent.

9. The factory premises have valuable assets which must be safeguarded. The petitioner has therefore, appointed two security guards to safeguard the property. These security guards must be provided an accommodation inside the factory premises. The residential portion bearing Door No.427, is the only place where the security guards can be accommodated. They have to be provided with an electricity connection to

atleast operate some lights and fans. Therefore, it will be appropriate if the respondent can consider giving a single phase connection temporarily to the portion of the premises in which the security guards are staying. More than any legal right, this Court is only looking at it from a basic human requirement.

10. In view of the above discussion, this writ petition is disposed of with the following directions :-

(a) The petitioner is directed to make a fresh representation to the second respondent seeking for a temporary single phase connection for Door No.427.

(b) The second respondent on receipt of the application shall provide a single phase connection temporarily to ensure that the residential portion can use some electrical gadgets with the single phase connection.

(c) This process shall be completed within a period of two weeks from the date of receipt of representation/application from the petitioner.

(d) The petitioner shall pay the necessary charges to enable the second respondent to provide the temporary single phase connection.

(e) It is left open to the second respondent to regularly inspect the property and ensure that the temporary connection is not used for the factory premises and if at any point of time, the second respondent finds that the electricity connection is used for the factory premises, it is left open to withdraw the temporary connection

No costs. Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-)

True Copy

Sub-Assistant Registrar

To

1. Chairman,

The Tamil Nadu Electricity Board (TANGEDCO)
10th Floor, N.P.K.K.R.Maaligai,,
No.144, Anna Salai,
Chennai - 600002.

2. The Assistant Electrical Engineer,

Tamil Nadu Electricity Board TANGEDCO
Gopi Electricity Distribution Circle,
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+1 cc to Mr.K.Srinivasan, advocate,sr.25652.

Mg (co)

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