

In the High Court of Judicature at Madras

Dated : 06.3.2020

Coram

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.5671 of 2020 & WMP.No.6607 of 2020

P.Ramamoorthy

...Petitioner

Vs

1.The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., Tatabad,
Coimbatore.

2.The Executive Engineer, Tamil Nadu
Generation & Distribution Corporation
Ltd., Operation & Maintenance,
Somanur, Coimbatore District.

3.The Assistant Engineer, 110/11,
Sub Station, Tamil Nadu Generation
& Distribution Corporation Ltd.,
Kovai Distribution Circle/South,
Vanjipalayam-641663.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorari Mandamus to call for the records of order dated 18.2.2020 vide proceedings in Number : Ka.No.U.Me.Po/E&P/Vanji/ Ko.kattu/ a 2019-20 on the file of the 3rd respondent, quash the same and consequently direct the 3rd respondent to grant commercial electricity service connection to the petitioner's property comprised in Survey Number. 655/2, Sub Division Number.655/2A situated at Pudukalayam Village Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.K.Mylsamy

For Respondents : Mr.Vijaya Mehanathan

ORDER

I have heard Mr.K.Mylsamy, learned counsel for the petitioner and Mr.Vijaya Mehanathan, learned Standing Counsel accepting notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner challenges a communication sent by the third respondent dated 18.2.2020, by which, the petitioner has

been informed that unless he clears the arrears payable in respect of theft of electrical energy in respect of an agricultural connection, a fresh commercial connection could not be granted.

3. There can be no error in the impugned proceedings because the Tamil Nadu Electricity Distribution Code provides for such modes of recovery. However, considering the fact that the petitioner requires a commercial connection and the fact that the matter pertains to theft of electrical energy now pending on appeal, two options are available to the petitioner. Firstly, it is open to the petitioner to obtain an order of stay before the appropriate forum and if stay is granted, then the third respondent cannot insist upon payment of amount. The second option is to approach the second respondent requesting that the petitioner may be permitted to remit the amount in instalments or offer bank guarantee, which can be considered in accordance with the provisions of the said Code by the second respondent.

4. If the petitioner is able to succeed in any one of the above options, it goes without saying that the petitioner will be entitled to commercial electricity connection. It is needless to state that if the second respondent accepts the petitioner's offer of furnishing bank guarantee, it will be without prejudice to the rights of the petitioner in the case, which is pending in the appellate stage.

5. With the above observations, the writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Ltd., Tatabad, Coimbatore.

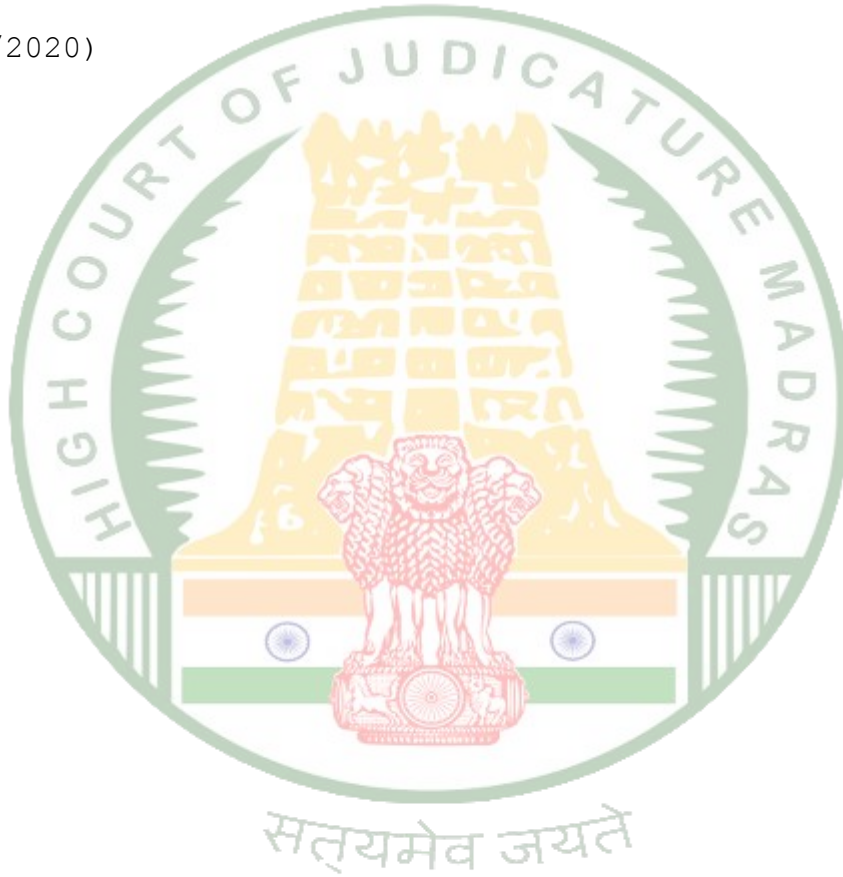
2.The Executive Engineer,
Tamil Nadu Generation & Distribution Corporation
Ltd., Operation & Maintenance, Somanur, Coimbatore District.

3.The Assistant Engineer, 110/11, Sub Station,
Tamil Nadu Generation & Distribution Corporation Ltd.,
Kovai Distribution Circle/South,
Vanjipalayam-641663.

+lcc to Mr.K.Myilsamy, Advocate, SR. No. 19989

WP.No.5671 of 2020&
WMP.No.6607 of 2020

KS (CO)
RMP (17/07/2020)



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