

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.10082 of 2017

Kasthuribai Company,
Rep. By its Partner Mr.V.Muthukumar,
S/o.P.Vivekanandan,
Carrying on business at
T.S.No.1261, Mela Veedhi West Car St.,
Chidambaram - 608 001.
Cuddalore District. ... Petitioner

Vs

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

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to forbear the respondents from insisting the petitioner to convert the electricity service connection No.048-003-818 (110 KW) from LTCT service to HT service in the petitioner premises based on the proceedings dated 30.03.2017.

For Petitioner : Mr.K.Raja

For Respondents : Mr.M.Varunkumar, standing counsel

ORDER

Heard Mr.K.Raja, learned counsel for the petitioner, and Mr.M.Varunkumar, learned standing counsel appearing for the respondents.

2. The petitioner seeks a direction upon the respondents not to insist the petitioner to convert the electricity service connection granted to him into HT service connection.

3. According to the respondents, the petitioner is running two business in the same premise. One in the name of M/s.Kasthuribai Company and another in the name of M/s.NMP Readymades and there is no physical segregation of both business. Since two entities are functioning in the same premise, taking note of the consumption recorded, the petitioner has to convert the service connection into HT service connection.

4. Earlier, this Court has dealt with the case of M/s.NMP Readymades in W.P.No.9738 of 2017 and the writ petition was disposed of by order dated 02.12.2019. Operative portion of the order reads as follows:-

"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."

5. In the considered view of the Court, the above mentioned direction would be equally applicable to the facts of the instant case, because, according to the respondents, both business are to be considered as single entity and therefore, the petitioner has to necessarily convert into HT service connection. Since there was already a direction in the above said decision, there will be a direction to the third respondent to examine the contention of this writ petitioner also along with the contention of M/s.NMP Readymades and both matters be taken up together and a common decision be taken in the matter on merits and in accordance with law simultaneously within the same time frame stipulated in the case of M/s.NMP Readymades.

6. In fine, the writ petition is disposed of with the above directions. No Costs. W.M.P.No.11069 of 2017 is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.M.Raja, Advocate, SR.No.14945.

+1cc to Mr.M.Varun Kumar, Advocate, SR.No.14854.

PP(CO)
CSR: 13.03.2020

W.P.No.10082 of 2017

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