



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

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THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.16284 of 2020

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Nangil Integrated Dairy Development,
Rep.by its
Managing Director,
Rev.Gerald Justin,
Mulagumoodu, Kanyakumari District.

... Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), (formerly TNEB),
Rep by its Chairman/Director,
144, Anna Salai, Chennai - 600 002.

2. The Assistant Engineer,
Distribution,
Tamil Nadu Generation &
Distribution Corporation Limited(TANGEDCO),
Devarkulam, Tirunelveli District.

3. The Executive Engineer,
Distribution/Rural,
Tamil Nadu Generation &
Distribution Corporation Limited(TANGEDCO),
Devarkulam, Tirunelveli District.

... Respondents

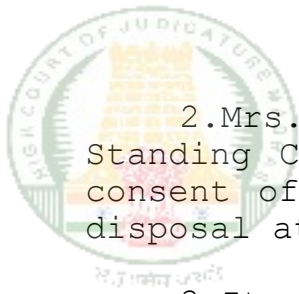
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent No.3 to provide uninterrupted three phase electricity connection to the petitioner's Milk Collection and Chilling Unit situated at Devarkulam, Tirunelveli District within the time period stipulated by this Court.

For Petitioner	: Mr.J.Pandi Dorai
For Respondents	: Mrs.Rajeswari, for S.M.S.Johny Basha, Standing Counsel.

ORDER

(This petition was heard through video conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to provide uninterrupted three phase electricity connection to the petitioner's Milk Collection and Chilling Unit situated at Devarkulam, Tirunelveli District.



2.Mrs.Rajeswari, learned counsel for S.M.S.Johny Basha, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that they have got low transmission electricity supply in S.C.No.016-001-1111 and since inception they have billed under IIIB tariff(LT IIIB). According to them, they have been paying consumption charges regularly without committing any default. According to them, from December 2019 onwards the respondents are not providing electricity service regularly through three phase connection obtained by the petitioner. According to them, since January 2020 the respondents are only providing electricity supply through two phase connection, that too only for ten hours daily. According to them, due to the same, they are facing losses to the tune of Rs.15,000/- daily.

4.It is the case of the petitioner that they have given representation on 10.02.2020 to the respondents requesting them to provide uninterrupted three phase electricity connection to the petitioner's Milk Collection and Chilling Unit situated at Devarkulam, Tirunelveli District. According to them, one more reminder was also sent in the month of August 2020 to the third respondent. It is the case of the petitioner that till date the representation of the petitioner has not been considered by the respondents. In such circumstances, this writ petition has been filed.

5.Heard Mr.J.Pandi Dorai, learned counsel appearing for the petitioner and Mrs.Rajeswari, learned counsel for S.M.S.Johny Basha, learned Standing Counsel appearing for the respondents.

6.This Court cannot issue positive direction as prayed for in this writ petition. It is for the respondents to consider the representation seeking uninterrupted power supply, on merits and in accordance with law. Therefore, the only relief that can be granted by this Court is to direct the third respondent to consider the petitioner's representation seeking for uninterrupted power supply for the petitioner's factory, on merits and in accordance with law. No prejudice will be caused to the respondents, if the representation of the petitioner is considered by them.

7.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation, dated 10.02.2020 seeking uninterrupted three phase electricity connection to the petitioner's Milk Collection and Chilling Unit situated at Devarkulam, Tirunelveli District on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chairman/Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), (formerly TNEB),
144, Anna Salai, Chennai - 600 002.
2. The Assistant Engineer,
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Tamil Nadu Generation &
Distribution Corporation Limited(TANGEDCO),
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3. The Executive Engineer,
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Tamil Nadu Generation &
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Devarkulam, Tirunelveli District.

+1 CC to Mr.J.PANDI DORAI, Advocate SR-22147.

W.P. (MD) No.16284 of 2020
19.11.2020

SS (CO)
CS (27.11.2020) 3P 5C