



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.8201 of 2015

And

MP Nos.1 and 2 of 2015

S.Moorthy

...Petitioner

vs.

1. Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
Represented by its Chairman,
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

2. The Assistant Engineer (O&M)/Chintadripet,
CEDC/Central,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
Chennai - 600 002.

3. G.K.Dhanasekar

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records in Lr.No.AE/O&M/Cpt/F.Name Transfer/D.No.329/2014-2015 dated 16.08.2014 and quash the same.

For Petitioner : Mr.Manoj Sreevalsan

For Respondents-1 and 2 : Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO.

For Respondent-3 : Mr.P.B.Balaji

O R D E R

The order dated 16.08.2014 passed by the second respondent, transferring the name in the Electricity Service Connection in favour of the third respondent, is under challenge in the present writ petition.



2. Admittedly, the father of the petitioner Shri D.Somasundaram was the tenant in respect of the premises at Old No.125/1, New No.104/1, Samy (N) Street.

WEB COPY

3. After the demise of his father of the petitioner continue as a tenant and is in occupation of the said premises.

4. The learned counsel for the petitioner made a submission that the Electricity Service Connection was obtained by the father of the petitioner originally in his name and accordingly, the Electricity Service Connection stood in the name of the father of the petitioner for a longer period.

5. The third respondent purchased the subject property and became the owner of the same. Thereafter, the third respondent submitted an application for name transfer on 16.08.2014 and the said transfer application filed by the third respondent was allowed by the second respondent and the name transfer was effected. Consequently, the Electricity Service Connection now stands in the name of the third respondent viz., Mr.G.K.Dhanasekar.

6. Questioning the name transfer, the learned counsel for the petitioner reiterated that the Electricity Service Connection was obtained in the name of the father of the petitioner and the petitioner is continuing as a tenant till today and therefore, an opportunity would have been given to the petitioner for the purpose of placing all these factors. However, the Electricity Board Authorities without issuing any notice or giving an opportunity, effected the name transfer and thus the impugned order is to be set aside.

7. The learned Standing Counsel appearing on behalf of the Electricity Board objected the said contentions of the petitioner by stating that once the owner of the property submits an application for name transfer, such an application will be considered based on the documents by the Electricity Board Authorities.

8. In the present case, the third respondent submitted an application by stating that he purchased the property from his vendor and produced all the relevant documents to establish his ownership and therefore, the Electricity Authorities effected the name transfer. Further, the petitioner is a tenant and the deceased father of the petitioner too.



9. This being the factum, the question of providing any opportunity to the tenant would not arise as the owner submitted an application for effecting the name transfer.

WEB COPY

10. The learned counsel appearing on behalf of the third respondent contended that the third respondent purchased the property and immediately after purchase of the said property, he filed an application for effecting name transfer.

11. This apart, the eviction proceedings are pending between the petitioner and the third respondent before the Rent Control Court and the first respondent is taking effective steps to evict the petitioner as his father continue the tenancy for a longer period and the petitioner is continuing the same even now without any valid lease or otherwise. If at all the petitioner is willing to continue as a tenant, he has to contest the rent control proceedings, which is pending before the Competent Court of Law and as per the learned counsel for the petitioner, the petitioner is contesting the case.

12. As far as the Electricity Service Connection name transfer is concerned, as per the Regulations, the owners of the property are entitled to get Electricity Service Connection in their name. If any tenant wants to get Electricity Service Connection in his name, the said tenant has to get 'No Objection Certificate' from the owner of the property.

13. However, the same procedure cannot be applied vice-versa and the rights of the tenants are limited to the extent of terms and conditions of the lease and in respect of ownership title of the property is concerned, the owner alone is empowered to file an application to provide Electricity Service Connection in his name and in the event of providing Electricity Service Connection in the name of the tenant, the owner can seek transfer of name by producing all the relevant documents. Thus, the transfer of name in the Electricity Service Connection would not be a ground for the third respondent to disconnect the Electricity Services to be provided to the petitioner-tenant.

14. Electricity Service, being an essential service, the tenant is entitled to have the Electricity Service Connection so long as he continue to be a tenant and in possession of the property in question. Therefore, by merely effecting the name transfer, the third respondent has no authority to disconnect the Electricity Service Connection, which is already being enjoyed by the petitioner in the said premises of the property.



15. This being the facts and circumstances, the petitioner is entitled to enjoy the Electricity Service Connection and pay the electricity consumption charges as per the usage. As far as the name transfer is concerned, there is no infirmity in the name transfer effected in the name of the owner of the property. Therefore, this Court do not find any perversity and as far as the tenancy rights are concerned, it is between the parties to adjudicate and resolve the same in the manner known to law.

16. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.
2. The Assistant Engineer (O&M)/Chintadripet,
CEDC/Central,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
Chennai - 600 002.

+1cc to Mr.Manoj Sreevalsan, Advocate, S.R.No.68098
+1cc to Mr.P.B.Balaji, Advocate, S.R.No.68232

WP 8201 of 2015

RSV[co]
NSK 29/12/2021