

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15/3/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.20191 of 2020
and W.M.P.No.24947 of 2020

V. Obul Naidu

... Petitioner

Vs

1. The Superintending Engineer,
Electricity Distribution Circle,
Kancheepuram,
Kancheepuram District.
2. The Divisional Engineer,
TANGEDCO
Tiruttani.
3. The Assistant Engineer,
Designated Engineer (O & M)
TANGEDCO,
Poonimangadu,
Tiruttani Taluk,
Tiruvallur District.
4. The Junior Engineer (O & M)
K.E.D.C
Poonimangadu
Tiruttani Taluk
Tiruvallur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the communication of the fourth respondent signed on 7/10/2020 in connection with new Industrial Service for Application No.3450920121 dated 23/9/2020 of the petitioner and quash the same and direct the third respondent the Designated Authority to effect service connection applied for in Application No.3450920121 to the premises of the petitioner bearing Door No.2/145 A of N.N.Kandigai Village.

For petitioner ... Mr.S.Elamurugan
For respondents ... Mr.P.Gunaraj
Standing Counsel
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O R D E R

This writ petition has been filed to quash the communication, dated 7/10/2020, of the fourth respondent in connection with new Industrial Service for Application No.3450920121, dated 23/9/2020 of the petitioner and direct the third respondent the Designated Authority to effect service connection applied for in Application No.3450920121 to the premises of the petitioner, bearing Door No.2/145 A of N.N.Kandigai Village.

2. The petitioner is having a rice mill under the name and style of M/s.Sri Venkateswara Rice Mill, N.N.Kandigai Village, Tiruttani Taluk, under service connection No.345-003-71 for a contracted load of 56 H.P. Since the rice mill business is a seasonal one, in view of the pandemic, he suffered a loss. Therefore, the petitioner proposed to extend his business activities. Hence he applied for a new service connection in a separate premises bearing Door No.2/145A, N.N.Kandigai, Sivada, Tiruttani, before the Designated Authority/A.E/O & M, third respondent. But the same was rejected on the ground that the petitioner is already having one service connection in the same premises. Hence the petitioner has come forward with the present writ petition praying for the relief as stated therein.

3. Mr.Elamurugan, learned counsel for the petitioner would submit that the proposed oil and flour mill is at Door No.2/145 A, N.N.Kandigai, Sivada, Tiruttani, but the existing connection is at Door No.2/145.

4. Mr.Gunaraj, learned Standing Counsel for TANGEDCO submits that the petitioner is having a rice mill and already he is having a load of 42 KW, at Door No. 2/145 comprised in S.No.172/7 of the said Village. He would further submit that as per Clause 15 A of the Tamil Nadu Electricity Distribution Code, 2004, a person or an establishment or an entity shall be given only one service connection in a premises or in contiguous premises to run a business or service or occupation or another form of activity including its associated activities and for activities of the associates even if there is a permanent physical segregation. He would further submit that the

petitioner is having an outstanding due of Rs.33,477/- and the same is sub-judiced in another W.P.No.13298 of 2020 and as per the Supply Code, the petitioner should not have any other dues on the date of the consideration of the application.

5. Clause 14 of the Supply Code reads thus:-

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

6. In this case, this petitioner is seeking for a separate tower at 2/145 A for flour and rice mill. Separate wiring has been made and completed only, on 19/9/2020. Since, the petitioner has complied with the requirements, he is entitled for separate service connection, as per Clause 14 of the Tamil Nadu Electricity Distribution Code.

7. Accordingly, this writ petition is allowed and impugned order, dated 7/10/2020, of the fourth respondent is set aside, with a direction to the respondents, to provide service connection to the petitioner, within a period of four weeks, from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS VII)

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सत्यमेव जयते
Sub Assistant Registrar

To

1. The Superintending Engineer,
Electricity Distribution Circle,
Kancheepuram,
Kancheepuram District.
2. The Divisional Engineer,
TANGEDCO
Tiruttani.

3. The Assistant Engineer,
Designated Engineer (O & M)
TANGEDCO,
Poonimangadu,
Tiruttani Taluk,
Tiruvallur District.

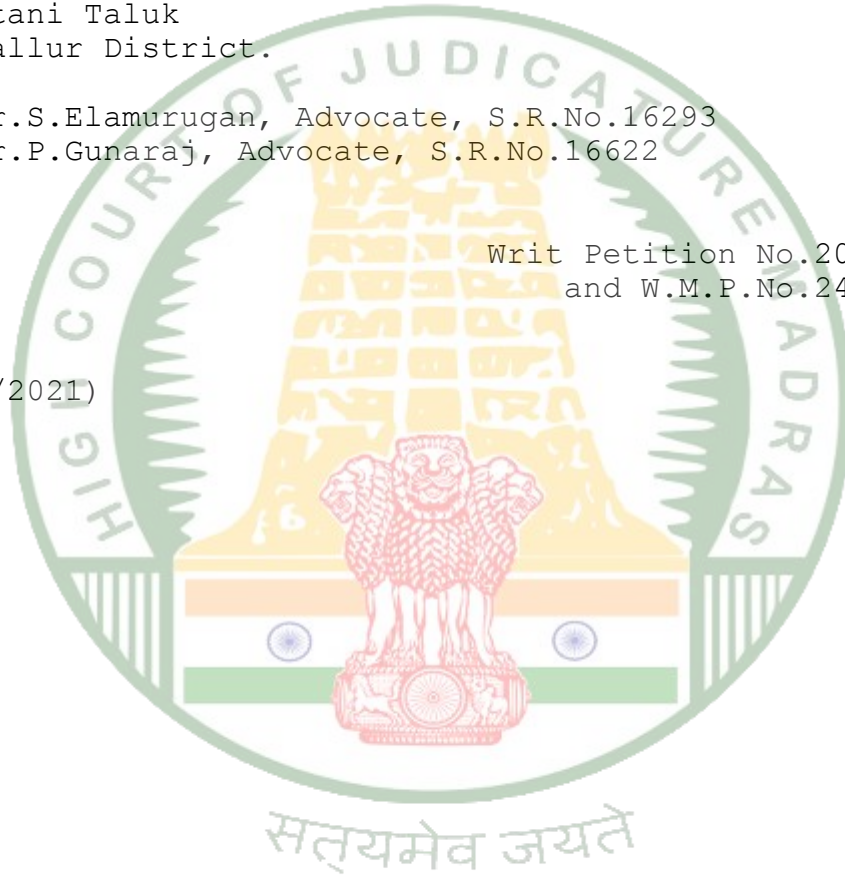
4. The Junior Engineer (O & M)
K.E.D.C
Poonimangadu
Tiruttani Taluk
Tiruvallur District.

+1cc to Mr.S.Elamurugan, Advocate, S.R.No.16293

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.16622

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GBL (CO)
TE (22/04/2021)



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