



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)Nos.11626 & 11627 of 2011 and

M.P. (MD)No.1 of 2011

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R.Chinnamuthu Gurunathapandaram

... Petitioner
in both petitions

Vs.

1. The Superintending Engineer,
Tamil Nadu Electricity Board,
Tirunelveli - 11.
2. The Executive Engineer,
Tamil Nadu Electricity Board,
Sankarankoil, Tirunelveli District.
3. The Assistant Divisional Engineer,
Distribution/Rural,
Tamil Nadu Electricity Board,
Sankarankoil, Tirunelveli District.
4. The Assistant Executive Engineer,
Distribution/Rural,
Tamil Nadu Electricity Board,
Sankarankoil, Tirunelveli District.
5. The Assistant Inspector(II),
Industrial Department, Tirunelveli.
6. The Divisional Officer,
Fire Service Department,
Tirunelveli Region,
Tirunelveli.

... Respondents
in both petitions

Prayer in W.P. (MD)No.11626 of 2011: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in the proceedings of the fourth respondent herein Letter No.உசெபொ/வினி/கிரா/சங்/கோ.தனி/அ.எண்.132/11 dated 23.09.2011 and quash the same as illegal, unjust and unconstitutional.

Prayer in W.P. (MD)No.11627 of 2011: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in the proceedings of the fourth respondent herein Letter No.உபொ/வி/கி/சகோ/வஅ/கோகட்டு/அ325/11 dated 30.08.2011 and quash the same as illegal, unjust and unconstitutional and further direct



respondents 1 to 4 herein to provide an additional load of 12HP in Service Connection in S.C.No.1003 in Door No.119/3, "Kaleeswari Modern Rice Mill", Railway Feeder Road, Sankarankoil Taluk, Tirunelveli District.

(In both W.Ps.)

For Petitioner : Mr.V.Meenakshi Sundaram,
for Mr.D.Nallathambi.

For Respondents : Mrs.M.Parameswari,
for Mr.S.M.S.Johny Basha,
Standing counsel.

* * *

COMMON ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a consumer of electricity. He is enjoying two HT service connections from the third respondent. The petitioner is running what is known as Kaleeswari Modern Rice Mill. Though the petitioner has been given two service connections, they are enclosed by a compound. The petitioner applied for grant of additional load of electricity. At this stage, the officials insisted that the petitioner will have to necessarily segregate both the service connections physically. To this effect, the impugned orders were passed.

3. I wanted to know as to why the respondents are insisting that two service connections must be segregated physically. The learned Standing counsel submitted that since 100 units of electricity is given free for domestic supply, if a single user is given two service connections, they will be able to enjoy 200 units of free electricity supply. In order to obviate such unfair utilisation, the Board has taken a policy decision that the service connection must be physically segregated from the other. But such situation will not arise in this case. The petitioner is not having a domestic service connection, but one under commercial tariff.

4. That apart, the third respondent in the first instance granted both the connections, even though they were not physically segregated. When the petitioner applied for additional load of electricity, these impugned orders came to be passed.

5. The respondents did not raise any objection in the first instance. In any event, they are not justified in raising this objection when the request for additional load of electricity was made. By the direction of the electricity Board, the petitioner made a temporary segregation. But then, that was objected to another authority. A Modern Rice Mill according to them, is a single unit and that therefore the petitioner cannot segregate the service



connections physically. Since I hold that the reason for such objection at this stage when the request for additional load of electricity was made is not reasonable, both the communications impugned in these writ petitions are quashed. The writ petitions are allowed.

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6. The respondents are of course entitled to call upon the petitioner to make appropriate payments for grant of additional load of electricity. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

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 Superintending Engineer,
Tamil Nadu Electricity Board,
Tirunelveli - 11.
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Industrial Department, Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



6. The Divisional Officer,
Fire Service Department,
Tirunelveli Region,
Tirunelveli.

+1 CC to Mr.D.NALLATHAMBI, Advocate (SR-5016[F] dated 15/02/2021)

W.P.(MD)Nos.11626 & 11627 of 2011
12.02.2021

VB (04.03.2021) 4P 8C