



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16461 of 2021

Karuppusamy

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO
Tiruvi.Ka. Industrial Estate,
Guindy, Chennai.
- 2.The Chief Engineer/Demand Side Management,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO
5th Floor, Eastern Wing,
NPKRR Maaligai,
144 Anna salai, Chennai -02
- 3.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO
Madurai Zone (K.Pudur)
Madurai.
- 4.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO
Sivagangai District.
- 5.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO
Poovandhi,
Tirupuvanam Taluk,
Sivagangi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide uninterrupted three-phase power supply for petitioner's L.T.Service connection No.5437-007-394 by considering the petitioner's representation dated 18.08.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.K.S.Duraipandian

For Respondents : Mrs.M.Parameswari

for Mr.S.M.S.Johnny Basha



ORDER

The petitioner seeks a direction for the provision of uninterrupted three-phase power supply under LT Service connection No.5437-007-394 by considering his representation dated 18.08.2021.

2.The petitioner states that he is the proprietor of a small-scale industry in the name and style of PKS Coir and Pith Rope at Sivaganagai District. The said industry was established in the year 2019. on 22.04.2019, the petitioner states that he applied for conversion of the then existing single phase supply to a three-phase supply. Based on such application, it is stated that the respondents agreed to provide a three-phase power supply.

3.Inspite of agreeing to provide three-phase power supply, the petitioner states that he does not receive uninterrupted power supply. Consequently, he is unable to run his business effectively and discharge his liabilities to his lenders. In such circumstances, the petitioner made a complaint to the respondents on 05.06.2020. In response thereto, the petitioner states that the communication dated 10.08.2020 was received by which the respondents assured him of uninterrupted power supply. The present writ petition is filed because the respondents have failed to provide such uninterrupted power supply inspite of carrying a representation dated 18.08.2021 in such connection.

4.Mrs.M.Parameswari, learned counsel representing Mr.S.M.S.Johnny Basha, learned counsel for the TANGEDCO, accepts notice on behalf of the respondents. On instructions, she submits that the supply of power to the petitioner is through a rural feeder. On account of such supply being through a rural feeder, she states that it is not possible to maintain such supply during peak hours. In effect, she submits that it would be possible to maintain such supply for 18 hours but not for 24 hours. If the petitioner requires uninterrupted supply for 24 hours, the petitioner should apply for supply through an industrial feeder. For such purpose, additional charges and requirements are prescribed.

5.The reply of the fifth respondent on 10.08.2020 categorically indicates that the supply to the petitioner is made through a rural feeder. By such communication, the petitioner was also informed that the supply would be maintained without impediments after 13.08.2020. Needless to say, such assurance is in the context of such supply being effected through a rural feeder, which has its limitations. However, subject to such limitations, the respondents should provide three-phase power supply as committed to the petitioner. In case the respondents are unable to provide supply for about 18 hours per day, it will be open to the petitioner to raise the issue with the respondents and, in the event that the grievances are not redressed, approach this Court.



6. With the above observations and by recording the statement of the respondents that power supply would be provided to the petitioner for about 18 hours per day, W.P.(MD)No.16461 of 2021 is disposed of. However, there shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

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W.P (MD) .No.16461 of 2021
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RS (22.09.2021) 4P 6C