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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2391 of 2022

Kandhasamy

...Petitioner

Vs

- 1.The Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
Anna Salai,
Chennai-600 002.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Cuddalore.
- 3.The Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board (TANGEDCO),
Thittakudi,
Cuddalore District.
- 4.The Assistant Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Ramanatham,
Cuddalore District.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of mandamus to direct the first respondent to consider the representation of the petitioner dated 06.09.2021 to provide free electricity motor pump set connection to the petitioner agriculture land in accordance with law.

For Petitioner : Mr.J.Jayasurya
For Respondents : Ms.Keerthana Shenoi
for Mr.L.Jai Venkatesh,
Standing Counsel



O R D E R

Read this order in conjunction with order dated 18.02.2022, which reads as follows:

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"Ms.Keerthana Shenoi, learned counsel for Mr.L.Jai Venkatesh, learned counsel accepts notice for respondents and seeks some time to obtain instructions and file a counter.

2. Priority at No. 72 has been accorded to the representation of the petitioner on 01.11.2018. Learned counsel for the respondent would thus state that once priority has been accorded, the petitioner will have to await his turn and it is a matter of time for the request to be accepted.

3. However, learned counsel for the petitioner would point out that the petitioner is 80 years old and hence, requests expeditious grant of the request.

4. Let instructions be obtained specifically on this aspect.

5. List on 18.02.2022. Counter by then after service upon the petitioner."

2. The respondents have filed a memo to the following effect:

"MEMO FILED BY THE RESPONDENTS

1. It is submitted that the writ petitioner has filed the present writ petition seeking for writ of mandamus directing the 1st respondent to consider the representation of the petitioner dated 06.09.2021 to provide free electricity motor pump set connection to the petitioner's agriculture land in accordance with law.

2. It is submitted that the writ petitioner has made an application vide bill no.vmc081AR43166 for agricultural electricity connection on 01.11.2018 under normal scheme for his well situated in Survey no. 24/1, Perainkiyam Village limit. The writ petitioner's application was registered in accordance with Regulation 27 (2) of the Electricity Distribution code and he was assigned with seniority number 72. 3. It is humbly submitted that the agricultural service connection is provided to the applicants as per the directions issued by the Tamil Nadu Electricity



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Regulatory Commission on basis of the State Government policy issued from time to time. The agricultural service connections are effected every year based on the target given by the Government and based on the application registration seniority.

4. It is humbly submitted that the writ petitioner had filed a petition in Tittagudi combined Lok Adalat in A02/21 seeking for agricultural service connection and the 4th respondent had given a reply to the Lok Adalat Authority vide letter dated 21.05.2021, stating that as per government notification, agricultural service connections were provided to applications registered on or before 01.04.2004 and when further government notification is received, based on the seniority of the petitioner's application, the agricultural service connection would be effected.

5. It is humbly submitted that in accordance with the memo dated 18.12.2021, the Government had notified to release the applications registered during the period 01.04.2006 to 31.03.2013 as per the target fixed for applications made under the normal category. Since the petitioner had made an application in the year 2018, the application could not be processed unless a government notification is released with regard to the same. It is humbly submitted that there are RSFS 10,000 Scheme, RSFS 25,000 scheme and RSFS 50,000 Scheme, whereby the applicant has to pay the prescribed amount for availing speedy agricultural service connection but the petitioner could not opt the above schemes due to the prescribed application duration provided in the government notification.

6. It is humbly submitted that the Government had announced a Tatkal self-financing scheme on 17.09.2020 as fast track procedure whereby the applicant has to make an application under the above scheme by making a payment of Rs.2,50,000/- for 5 HP connected load in accordance with TANGEDCO proceedings no.224 dated 21.09.2020. Therefore, if the writ petitioner is willing to apply in accordance with the above scheme, the petitioner has to make a payment of Rs.2.50,000/- towards the scheme and could avail agricultural electricity service connection in an expeditious manner.



Dated at Chennai on this 18 day of February
2022.

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COUNSEL FOR RESPONDENTS

3. The position is thus clear that the only other avenue available to the petitioner, as per the memo of the respondents, is to avail the Self Financing Scheme announced on 17.09.2020 as per paragraph 6 of the memo. This is of no avail to the petitioner as he has no resources in this regard.

4. To a specific query as to whether there is any other benefit/scheme that is available qua petitioner, a senior citizen, learned counsel for the respondent confirms in the negative.

5. Let the authorities take note of the position of agriculturists, who are senior citizens, and provide them a faster and quicker avenue for provision of service connection, within the existing avenue of fast track disposals, to ensure that they see some light even during their lifetime.

6. Learned counsel for the respondent states that presently, applications of the year 2013 are under process. The petitioner who has filed the application in November, 2018 is aged 80 years old.

7. The representation of the petitioner in this regard be disposed by R1 within a period of four (4) weeks from today taking note of the suggestion made by this Court, after due verification of the application, in accordance with law.

8. This writ petition is disposed in the above terms. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kbs/ska

To

1.The Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
Anna Salai,
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+1 CC to Mr.L. Jai Venkatesh, Advocate sr 12460.

W.P.No.2391 of 2022

SKM(CO)
SP(01/04/2022)