



WP.No.24479 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.24479 of 2017 &

WMP.No.25864 of 2017

P.Ramamoorthy

... Petitioner

Vs

1. The Superintending Engineer,
Coimbatore Electricity Distribution Circle [South],
Coimbatore – 641 012.

2. The Executive Engineer [Operation & Maintenance],
Coimbatore Electricity Distribution Circle [South],
Somanur – 641 668.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorafied Mandamus to call for the records of the second respondent in Ka.No. E.E./ O & M/ SOMA/Va. Aa/ Ko. Complaint/ V.No.001274/2017 dated 19.05.2017 and quash the same and direct the respondents to give free electricity service connection for agriculture purpose to the petitioner.



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For Petitioner : Mr.A.P.Srinivas

For Respondents : Mr.M.Abdul Kalam

ORDER

This Writ Petition has been filed to quash the impugned Order dated 19.05.2017 of the second respondent and direct the respondents to give free electricity service connection for agriculture purpose to the petitioner.

2. The case of the petitioner is that the petitioner has applied for fee electricity connection on 03.11.1997 and his application has been registered as Application No.145/97-98. His application has not been processed for several years. However, in the year 2016, the petitioner was asked to show his readiness for issuance of service connection. As the petitioner was not having electric motor at that time, he sought for extension of time. Thereafter, the petitioner approached the respondents several times and he has also given representation dated 12.03.2017 to the first respondent to give free electricity connection and it was received by the first respondent. Thereafter, all of a sudden, the second respondent



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sent a letter dated 19.05.2017 stating that since the petitioner has not shown readiness even after the extended period, his application has been expired. Hence, the impugned Order is challenged in this Writ Petition.

3. In the counter, admitting that the petitioner had submitted an application on 03.11.1997, it is the contention of the respondents that the free electricity supply to agriculturists is governed by the directives issued by the Commission from time to time on the basis of the guidance on this matter by the National Electricity Policy and policy directions in public interest given by the State Government under Sub Section [1] of Section 108 of the Electricity Act, 2003. It is the further contention of the respondents that as per the allotment, the petitioner application became eligible for supply during 2010 – 2011 and the petitioner had been requested by the second respondent to register his readiness to avail electrical supply. The petitioner had not reported his readiness to avail supply before the above date and requested for extension of time to register readiness and the request for extension of time has been considered and the petitioner had been permitted time up to 02.01.2011 to register his readiness. Therefore, as per the instructions of the Board's communication



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dated 23.06.2012, the petitioner's application lost seniority and became ineligible to avail free agriculture supply in the order of readiness priority. Consequently, the application of the petitioner became lapsed and cancelled. Hence, prayed for dismissal of this Writ Petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner being a poor agriculturist was not having sufficient money to purchase electric motor and therefore, he could not show his readiness at the relevant point of time. However, the impugned communication has been sent as if his application has been lapsed as he has not shown his readiness. Hence, challenging the same, the present Writ Petition has been filed for granting of free electricity connection for agriculture.

5. Whereas, the learned counsel appearing for the respondent would submit that supply of agricultural service connection is only based on the policy decision and direction issued by the Commission from time to time. Though the petitioner has given his application in the year 1997, his application became eligible only during 2010-2011 and the petitioner has failed to express his readiness and hence, his application has lost its



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seniority and the same has been cancelled.

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6. I have perused the impugned Order. The same indicate that as the petitioner has not registered his readiness even after the time extended, the second respondent sent a communication dated 23.06.2012 stating that the petitioner's application has lost its seniority and became ineligible and consequently, the application became lapsed and cancelled. When the free agricultural connection is governed by the Policy of the Government and also the guidance issued by the Commission from time to time, on the basis of the guidance of the Electricity Policy, when the petitioner's application became eligible for agricultural connection, the petitioner should have shown his readiness to avail the service connection.

7. It is the admitted case of the petitioner that he could not avail, as he is not having sufficient money for purchasing the electric motor at the relevant point of time. The period for registering his readiness for availing electricity connection is also extended up to 02.01.2011. Even after the extended period, as the petitioner has not shown his readiness, his application became lapsed and cancelled. As the issuance of the agricultural connection is governed by the Regulatory policy of the



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Government and when the petitioner has failed to show his readiness, the petitioner's application has its lost seniority and the petitioner cannot challenge the same as a matter of right to seek free service connection. Hence, I do not find any merits in this Writ Petition.

8. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

10.11.2022

vrc

To,

1. The Superintending Engineer,
Coimbatore Electricity Distribution Circle [South],
Coimbatore – 641 012.
2. The Executive Engineer [Operation & Maintenance],
Coimbatore Electricity Distribution Circle [South],
Somanur – 641 668.



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N.SATHISH KUMAR, J.

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