



W.A.No.2107 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

W.A.No.2107 of 2018 and

CMP No.16537 of 2018

1. The Chairman,
Tamil Nadu Electricity Board, No.800,
Anna Salai, Chennai 600 002.
2. The Superintending Engineer,
Tamil Nadu electricity Board,
Anna Salai, K.K.Nagar, Chennai-78.
3. The Assistant Engineer (Operation and
Maintenance), Tamil Nadu Electricity Board,
K.K.Nagar, Chennai 600 078.

... Appellants

Vs.

1. K.Sreenivasa Rao,
No.38-C, R.K.Shanmugam Salai,
K.K.Nagar, Chennai 600 078.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwvyn Road,
Egmore, Chennai 600 008.

... Respondents



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Prayer: Writ Appeal filed under Section 15 of Letters Patent to set aside the order passed by this Court in W.P.No.11968/2014 dated 02.07.2014.

For Appellant : Mr.L.Jaivenkatesh, Standing Counsel

For Respondents : No appearance

JUDGEMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

This Intra Court Appeal has been filed, challenging the order passed by this Court in W.P.No.11968/2014 dated 02.07.2014 by the Tamil Nadu Electricity Board.

2. Despite service of the notice and names have been printed in cause list, none appeared for the respondents.

3. The brief facts leading to file the present appeal is as follows.

The first respondent herein filed the writ petition stating that he has constructed stilt + 4 floors of residential building with 8 dwelling units of residential building at Block No.76, P.T.Rajan Salai, K.K.Nagar, Chennai



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600078, after obtaining sanction from the CMDA However there were some small deviations and it can be rectified. When the first respondent approached the Board seeking electricity service connection, they insisted to produce completion certificate/no objection certificate from the CMDA. Since the electricity supply is a basic amenity to the occupants, without insisting on completion certificate, the Board has to give service connection and hence he has filed the above said writ petition. This Court, vide order dated 02.07.2014 has directed the Board to effect electricity service connection to the first respondent/ writ petitioner, without insisting upon the completion certificate. Challenging the above order passed by the Writ Court, this intra court appeal has been filed by the Board.

4. The learned standing counsel appearing for the appellants submitted that, the claim of the petitioner to provide electricity supply, without insisting completion certificate/ NOC from the CMDA is against the statutory provisions contained in Tamil Nadu Electricity Distribution Code, 2004, requiring order compliances under regulation 27(1) read with explanation after regulation 27(16) of the said Court and therefore, the order



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of the Writ Court is against the said statutory provisions. To support his contention, he has relied upon a decision of the ***First Bench of this Court in W.P.No.15344 of 2020 dated 17.03.2021 (Coimbatore Consumer Cause (Regd.No.110/97) Vs. The Chairman and Managing Director, TANGEDCO and others).***

5. Heard the learned Standing Counsel appearing for the appellants and also we have perused the materials on records.

6. It is an admitted fact that the first respondent herein had constructed Stilt + 4 floor with 8 dwelling units of residential building after obtaining sanction from the CMDA. But, without producing completion certificate, the first respondent herein had sought electricity connection and while the Board insisting upon the completion certificate, he filed the writ petition and obtained order in favour of him, to effect the electricity connection by the Board, without insisting upon the completion certificate.



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7. At this juncture, it is relevant to note that in the reliance placed by the learned standing counsel appearing for the appellant ***in W.P.No.15344 of 2020 dated 17.03.2021*** as stated supra, the Hon'ble First Bench of this Court has observed as follows.

9. Upon perusal of the draft scheme, it is evident that the draft scheme is applicable with regard to the provisions of Low Tension electricity supply connections for buildings other than high-rise buildings as defined in Rule 2(58) of the 2019 Rules. The 2019 Rules provide that a completion certificate is required for all the buildings, except residential buildings upto 12 metres in height not exceeding three dwelling units or 750 square metre and all type of industrial buildings. Thus, it appears that the draft scheme is contrary to Rule 20 of the 2019 rules which apply to all buildings, except residential buildings upto 12 metres, whereas, the draft scheme is made applicable to all buildings other than high-rise buildings, i.e. buildings which do not exceed 18.30 metres. It is needless to say that the TANGEDCO cannot provide for the Low Tension Supply connection in contravention of applicable rules such as the 2019 Rules.

10. Thus, the objections of the writ petitioner herein to the impugned memorandum and the draft scheme would be substantially addressed provided the TANGEDCO adheres strictly to the 2019 Rules while providing Low Tension electricity supply connection to the classes of consumers indicated in the draft scheme.



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11. Accordingly, W.P.15344 of 2020 is disposed of by directing the TANGEDCO to comply strictly with the Tamil Nadu Combined Development Rules, 2019 with regard to the grant of all electricity service connections.

8. Here in this case, admittedly, the first respondent had constructed Stilt + 4 floor with 8 dwelling units of residential buildings. Therefore, in the light of the above decision of the Hon'ble First Bench of this Court, to extent the service connection, insisting upon the completion certificate from CMDA is necessary and hence, we are of the view that the order passed by the Writ Court warrants interference by this Court.

9. Accordingly the Writ Appeal is allowed and the order passed by the Writ Court in W.P.No.11968/2014 dated 02.07.2014 is set aside. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.)

(P.B.B.J.)

10.07.2023

Internet: Yes/No
Index : Yes/No
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To

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