



W.P.No.43776 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.43776 of 2016
and
W.M.P.No.37592 of 2016

- 1.The Executive Engineer,
Urban / Erode,
Erode Electricity Distribution Circle,
TANGEDCO,
948, EVN Road, Erode – 638 009.
- 2.The Assistant Executive Engineer,
Chithode,
Erode Electricity Distribution Circle,
TANGEDCO,
Chitthode, Erode – 638 102.
- 3.Assistant Engineer,
Chithode East,
Erode Electricity Distribution Circle,
TANGEDCO,
Chitthode, Erode – 638 102.

...Petitioners

Vs.

- 1.The Tamil Nadu Electricity Ombudsman,
19-A, Rukmini Lakshmipathy Salai,
Marshal Road, Egmore,
Chennai – 600 008.



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2. M/s.Platinum Catering,
165/1, Bharani Main Road,
R.N.Pudur,
Erode – 638 005.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent in its order dated 30.03.2016 in Appeal Petition No.60/2015 and to quash the same as being illegal and unsustainable in law.

For Petitioners : Mr.I.Syed Sibghatulla

For R1 : No appearance

For R2 : Mr.T.R. Sundaram

ORDER

The writ petition has been filed by the Tamil Nadu Generation and Electricity Distribution Corporation Limited (TANGEDCO), challenging the order passed by the 1st respondent / Tamil Nadu Electricity Ombudsman dated 30.03.2016 passed in Appeal Petition No.60 of 2015.

2. The 1st respondent / Tamil Nadu Electricity Ombudsman passed an order dated 30.03.2016 in Appeal Petition No.60 of 2015 filed by the 2nd respondent / M/s.Platinum Catering. The present writ petition has been filed by the TANGEDCO mainly on the ground that without physical and



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electrical segregation of the premises owned by the 2nd respondent, they cannot maintain two separate LT Electricity Service Connections in the same premises.

3. The learned counsel for the petitioners made a submission that a single owner cannot maintain two different LT Service Connections in respect of the same premises even if he conducts different business transactions. In the absence of physical segregation of the premises, the authorities cannot provide two LT Service Connections, which would cause financial loss to the TANGEDCO.

4. The learned counsel for the 2nd respondent objected the said contentions by stating that there is no financial loss to the TANGEDCO. More so, the 1st respondent / Tamil Nadu Electricity Ombudsman itself has stated that the appellant has to arrange for physical and electrical segregation in the premises duly specifying a time limit and the 2nd respondent is ready to comply with the order passed by the 1st respondent/Tamil Nadu Electricity Ombudsman in order to resolve the issues.



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5. The conclusion of the order impugned passed by the 1st respondent

/ Tamil Nadu Electricity Ombudsman reads as under:

“15. Conclusion:

15.1 (i) In view of my findings in para 14, the tariff change applied for SC No.013-006-1499 from tariff IIIB to V may be effected.

(ii) The respondents shall issue a notice to the Appellant to arrange for the physical & electrical segregation in the premises duly specifying a time limit.

(iii) M/s.Platinum Catering, the Appellant herein shall arrange to provide a permanent physical and electrical separation in between the premises of M/s.Platinum Catering Centre and M/s.Platinum Trading Centre Pvt Ltd., within the period as specified by the licensee in the notice and failing which the licensee may take further action as per regulation.

15.2 With the above findings, the A.P.No.60 of 2015 is finally disposed of by the Electricity Ombudsman. No costs.”

6. The Tamil Nadu Electricity Ombudsman directed the writ petitioners herein to issue notice to the 2nd respondent/company to arrange for the physical and electrical segregation in the premises duly specifying a



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time limit. Further, M/s.Platinum Catering, the Appellant herein shall arrange to provide a permanent physical and electrical separation in between the premises of M/s.Platinum Catering Centre and M/s.Platinum Trading Centre Pvt Ltd., within the period as specified by the licensee in the notice and failing which the licensee may take further action as per regulation.

7. The Tamil Nadu Electricity Ombudsman has erred in directing the 2nd respondent herein to arrange physical and electrical segregation. Segregation of building, premises is the discretion of the owner concerned. The Electricity Ombudsman cannot direct the owner of the building to segregate the premises or otherwise. Since the segregation of premises is the exclusive right of the owner concerned, in the absence of non-segregation, the Tamil Nadu Electricity Board is empowered to provide single connection by merging two separate LT Service Connections. If at all the 2nd respondent had segregated the building, then the same may be intimated to the Electricity Board authorities for the purpose of conducting inspection and thereafter, provide two separate LT Service Connections by following the Rules and the procedures as contemplated.



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8. Thus, the Tamil Nadu Electricity Ombudsman cannot direct the 2nd respondent/company to arrange for physical and electrical segregation. That being the choice of the 2nd respondent/company, which is to be exercised at their discretion. Thus, it is made clear that the 2nd respondent is at liberty to segregate the premises physically and inform the same to the authorities concerned for the purpose of conducting inspection. If the said physical and electrical segregation, if not done, the petitioners/TANGEDCO authorities shall merge the 2 LT Service Connections as HT Connection and provide energy to the premises owned by the 2nd respondent.

9. In this regard, the 2nd respondent shall approach the writ petitioner/TANGEDCO authorities. In the event of any such approach by the 2nd respondent, the writ petitioners/TANGEDCO authorities may initiate appropriate action by following the procedures as contemplated.

10. If no action has been taken by the 2nd respondent within a period of six weeks from the date of receipt of a copy of this order, then the writ petitioners/TANGEDCO authorities shall conduct an inspection into the premises of the 2nd respondent and thereafter, take action to merge two



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separate LT Service Connections and provide single HT Electricity Service Connection by following the procedures as contemplated under the rules in force.

11. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

The Tamil Nadu Electricity Ombudsman,
19-A, Rukmini Lakshmipathy Salai,
Marshal Road, Egmore,
Chennai – 600 008.



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S.M.SUBRAMANIAM, J.

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