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W.P.No.20200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.20200 of 2023

M/s.W3Global India Pvt. Ltd.,
Rep. by its Authorized Signatory, Mr.K.Jayapradap,
having its registered office at
No.303, New Mark House,
Plot No.56, Patrika Nagar,
Madhapur, Hitech City,
Hyderabad, Telangana-500 081.

... Petitioner

Vs.

1.TANGEDCO rep. by
its Superintending Engineer Plot No.11/A-17,
Chengalpattu Electricity Distribution Circle (CEDC),
South-II, K.K.Nagar,
Chennai-600078

2.Tecpro Systems Ltd. rep. by its Liquidator,
Mr.Ramachandran Subramanian,
Unit No.2, 1st Floor,
No.25, I Main Road,
Gandhi Nagar, Adyar, Chennai-600020

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to provide High Tension (HT) electricity connection for the property of the petitioner bearing Plot No.11/A-17, Commercial building, SIPCOT IT Park, 5th Cross Road, Siruseri forthwith without insisting upon the petitioner clearing any portion of



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the dues of the 2nd respondent to the 1st respondent with respect to the said premise.

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For Petitioner : Mr.T.Gowthaman
for M/s.S.Karpagapriya

For Respondents : Mr.C.Jaivenkatesh
Standing Counsel for R1

ORDER

The petitioner is an allottee of Plot 11/A-17, SIPCOT Industrial Estate, Seruseri. He had approached the 1st respondent to provide it with the high tension (HT) electricity connection. Before the said plot was allotted to the petitioner by the SIPCOT on 27.04.2023, it was allotted to the 2nd respondent herein. It appears that the 2nd respondent had left arrears in the matter of payment of electricity charges to the tune of Rs.2,63,899/-.

2.It is in this backdrop, the petitioner has approached the 1st respondent to provide him with the HT electricity connection.

3.Mr.C.Jaivenkatesh, the learned Standing Counsel for TNEB takes notice for the 1st respondent. He would submit that as per Clause 17 9(a) of the Tamil Nadu Electricity Supply Code, if the petitioner either seeks a reconnection of a disconnected electricity connection or apply for a new connection in the same

premises, he is obligated to pay all the arrears of electricity charges of the



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disconnected service. The said paragraphs read as below:

"17. [9(a) In case of service connections in a premises, which have been disconnected / dismantled for defaults in payment of dues whatsoever and if such service connections are to be reconnected or new service connections are to be obtained by other persons in such premises either by purchase or transfer or lease basis, the Distribution Licensee shall reconnect such service connections or effect new service connections, as the case may be, in such premises only after payment of dues attributed to such premises by the applicant:

Provided that in cases such premises have legally been sub-divided, the outstanding dues attributed to such premises shall be divided in proportion to the area covered by that sub-division. A new service connection to any of such sub-divided premises shall be given only after the share of outstanding dues attributed to such sub-divided premises, is duly paid by the applicant. The Distribution Licensee shall not refuse connection to an applicant of such sub-divided premises only on the ground that, dues attributed to the other portion(s) of such sub-divided premises have not been paid, nor shall the licensee demand record of last paid bills of such other portion(s) from such applicants.

"(b) The authorised officer of the licensee may permit such applicant to pay the outstanding dues in instalments and to avail the service on payment of 40% of the total arrears outstanding including BPSC in addition to the charges for reconnection of such service connections or effecting new service connections. The balance 60% of the outstanding dues shall be collected in 10



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monthly instalments."

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4.Learned counsel for the petitioner, on instruction would submit that it is willing to deposit the arrears of electricity charges of the disconnected services, which the 2nd respondent owed the 1st respondent, with the 1st respondent under protest and that he be given electricity connection for him to sort out this aspect.

5.In view of the statement made by the learned counsel for the petitioner, this Court considers it fair and appropriate to direct the petitioner to deposit the arrears of electricity charges to the tune of Rs.2,63,899/-, which is payable by the 2nd respondent with the 1st respondent under protest and the 1st respondent is now required to consider granting HT electricity connection on the pending application of the petitioner with it. As to the entitlement of the petitioner, the 1st respondent to retain the deposit is concerned, the issue is left open for the present.

6.In view of the above observations and directions, this Writ Petition stands disposed of. No Costs.

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Index : Yes / No

Neutral citation : yes/no

<https://www.mhc.tn.gov.in/judis>

Note to office:Issue order copy on 11.07.2023



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Copy to:

The Superintending Engineer Plot No.11/A-17,
Chengalpattu Electricity Distribution Circle (CEDC),
South-II, K.K.Nagar,
Chennai-600078



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N.SESHASAYEE, J.

Anu

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