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W.P.No.34094 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.12.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.34094 of 2023

Minor Pooja Ravishankar
represented by her father and natural guardian
G.Ravishankar

... Petitioner

Vs

The Assistant Engineer,
Operation & Maintenance
Tamilnadu Generation & Distribution Co.
Main Road, Mudichur,
Kanchipuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to provide electricity service connection to the petitioner's building at Door No.6, Moolai Street, Old Perungalathur, Tambaram Taluk, Kanchipuram District on the basis of petitioner's application dated 19.07.2023.

For Petitioners : Mr.S.B.Viswanathan

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel



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ORDER

Mr.Jai Venkatesh, learned Standing Counsel accepts notice for the respondents and is armed with requisite instructions to enable final disposal of this matter, even at the stage of admission.

2. The petitioner has sought a mandamus directing the sole respondent, Assistant Engineer, Operation and Maintenance, Tangedco, Mudichur to provide electricity service connection to the building at Door No.6, Moolai Street, Old Perungalathur, Tambaram Taluk, Kanchipuram (Property in question). She has made an application on 19.07.2023 seeking identical relief before the respondent.

3. Mr.Jai Venkatesh would state that there is an objection that has been put forth by one R.Govindaswamy, who is the paternal grandfather of the petitioner, who is a minor. In fact, the writ affidavit has been executed by one G.Ravishankar, father of the minor seeking the relief as above.

4. The writ affidavit reflects that the land in question has been settled by the said Govindaswamy in favour of his son G.Ravishankar vide settlement deed dated 13.07.2017 and the latter has subsequently settled the land in favour of his minor daughter.



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5. This Court makes it clear that the veracity of the aforesaid document is a matter to be looked into by the authorities and absolutely no observations are made in regard to the same.

6. The reason as put forth by the respondent counsel for non-grant of temporary electricity service connection till date is the objection of the grand father which may well be considered by them in disposing the application one way or the other.

7. According to Mr.Venkatesh, no service connection can be granted in the name of minor, since a person who is not the owner of the premises would have to provide an indemnity bond in terms of Regulation 27(4) of the Tamil Nadu Electricity Regulations Commission Tamil Nadu Electricity Distribution Code.

8. Regulation 27(4) reads as follows:

27. Regulations for supply of Energy

.....

(4) An intending consumer who is not the owner of the premises shall produce a consent letter in Form 5 of Annexure III to this code from the owner of the premises for availing the supply. If the owner is not available or refuses to give consent letter, the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnity bond in Form 6 of the Annexure III to this code indemnifying the licensee against any loss on account of disputes arising



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out off effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.

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9. Such a valid indemnity of the aforesaid nature cannot be executed by a minor. Hence, the request of the petitioner for grant of service connection on her application appears prima facie impossible.

10. However, since the compilation of documents (unindexed) now circulated by the learned counsel for the respondent reveals that a similar request has been made by the father of the petitioner as well, let those applications be considered and disposed strictly in accordance with law and applicable Regulations, after hearing the petitioner's father, within a period of eight (8) weeks from date of receipt of a copy of this order.

11. In disposing the applications, the respondent will take note of all applicable provisions of law and Regulations and call for such indemnity bond and other assurances as are required from the applicant.

12. With this, this Writ Petition is dismissed, though with liberty as aforesaid. No costs.

11.12.2023

Index : Yes / No

Speaking order/Non-speaking order

Neutral citations: Yes/No

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To

The Assistant Engineer,
Operation & Maintenance
Tamilnadu Generation & Distribution Co.
Main Road, Mudichur,
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Dr.ANITA SUMANTH,J.

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