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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.2780 of 2021

Mr.Naresh Kumar Goyal

... Petitioner

VS.

- 1.The Chairman,
TamilNadu Electricity Regulatory
Commission, Chennai.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Circle,
(TANGEDCO), K.Pudur,
Madurai.
- 3.The Executive Engineer,
Distribution Circle,(TANGEDCO),
Madurai & District.
- 4.The Assistant Executive Engineer,
Distribution circle,(TANGEDCO),
Madurai & District.



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5.The Junior Engineer,
Rural/South/Distribution Circle,
Tamil Nadu Electricity Board,
Madurai & District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 & 2 to reduce the distribution of electricity connection from permitted MD 500 KVA to HT 250 KVA by considering the petitioner's representations dated 02.09.2020, 12.09.2020 within a time that may be stipulated by this Court.

For Petitioner : Mr.R.Venkatesan,
For M/s.Right Law Associates
For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed for Mandamus, to direct the respondents 1 & 2 to reduce the distribution of electricity connection from permitted MD 500 KVA to HT 250 KVA by considering the petitioner's representations dated 02.09.2020, 12.09.2020 within a time that may be stipulated by this Court.



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2. The respondents had granted service connection to a partnership firm in the name and style of M/s.Devamm Granites.

3. The contention of the respondents is that the said service connection was granted to M/s.Devamm Granites. One Naresh Kumar Goyal, Proprietor had submitted an application for reduction of demand from 500 to 250 KVA, but the said Naresh Kumar Goyal had not signed the application. Hence the respondents directed the petitioner to produce the lease / rental agreement executed in favour of the M/s.Devamm Granites. Moreover, on verification of revenue records, it is seen that the premises is owned by three persons namely Naresh Kumar Goyal (petitioner), Urmil Goyal wife of the petitioner and Neeraj Kumar Goyal son of the petitioner. Since the petitioner is having only 1/3rd share in the property and therefore, the respondents have submitted that the petitioner did not provide any proper document to consider the petitioner's application.

4. It is seen already the service connection was granted to the establishment M/s.Devamm Granites. At the time of granting itself the



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respondents ought to have verified all these factors. When the petitioner is seeking for reduction of demand, the said issues cannot be raised. If the demand is not reduced each day the petitioner would be incurring huge loss by paying HT service charges. Therefore, the respondents are directed to reduce the KVA after obtaining an undertaking. Therefore, this Court is passing the following order:

- (i). The petitioner shall submit an undertaking affidavit or indemnity bond.
- (ii). After receipt of such undertaking / indemnity bond, the respondents shall reduce 500 to 250 KVA, within a period of one week therefrom.
- (ii). Subsequently the respondents shall obtaining the necessary documents as per law and the petitioner shall regularise the service by executing the necessary documents.



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5. With these observations and directions, this Writ Petition is disposed of. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Ksa

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