



W.P(MD)No.15535 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15535 of 2022

and

W.M.P.(MD)No.11199 of 2022

Pappathi

... Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
(TANGEDCO) Madurai North Arasaradi,
Madurai District.

2.The Commissioner,
Madurai Corporation,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in respect to the impugned order dated 17.05.2022 in proceedings Ka.No. 2. Po / Na / Va. Ara / Ko. TP V / A.No. 069/2022 quash the same as the same is arbitrary, ultravires, contrary to the provisions of Electricity Act and consequentially direct the 1st respondent to process and consider the petitioners online application Reference No. 200050410322160 dated 12.03.2022 and accord electricity service connection for the building at



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ward No.11, Block No.13, Old S.No. 144 / 2, Town S.No. 15, Door No.28, Singampidari Kovil Street, Vilangudi, Madurai North Taluk, Madurai District in accordance with law and more particularly without insisting on production of completion certificate from the second respondent.

For Petitioner : Mr.J.Karmegakannan

For Respondents : Mr.S.Deenadhayan
Standing Counsel for R1

: Mr.S.Vinayak for R2

ORDER

Heard both sides.

2. The writ petitioner has constructed a small building measuring 80 square feet. She wants electricity connection for the same. TANGEDCO has taken the stand that unless the petitioner submits completion certificate, supply will not be provided. Questioning the said stand, the present writ petition came to be filed.

3. It is seen that vide communication dated 04.07.2020, the Director of Tamil Nadu Generation and Distribution Corporation Ltd., TANGEDCO had clarified the following position:-

4. Rule 20 of the said Rules, 2019, states that for all building except residential building upto 12m in height not exceeding 3 dwelling units or 750 sq.m and all type of Industrial buildings, the applicant or owner or power of attorney holder or registered developer and any other person who is acquiring interest shall submit a completion report to



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obtain Completion Certificate, certifying that the building has been completed as per the approved plan, from the competent authority that has issued planning permit before getting service connections such as electric power connection, water supply sewerage connection.

4. The learned standing counsel for Madurai Corporation also cites Rule 20 of the Tamil Nadu Combined Development and Building Rules, 2019. It reads as follows:-

“20. Application for Completion Certificate.— (1) For all buildings except residential building upto 12m in height not exceeding 3 dwelling units or 750 sq.m and all type of Industrial buildings, the Applicant or Owner or Power of Attorney Holder or Registered Developer and any other Person who is acquiring interest shall submit a completion report in Form 5 along with Form 6, 7 and 8 in Annexure - XIV, to obtain Completion Certificate, certifying that the building has been completed as per the approved plan, from the competent authority that has issued Planning Permit before getting service connections such as electric power connection, water supply sewerage connection. These service connections shall be given by the service provider to these buildings only after the production of the Completion Certificate.

(2) The owner or developer shall submit an application to the competent authority in the first stage after completion of work upto plinth level requesting for issue of order for continuance of work.

(3) The owner or developer through the registered professional shall submit to the designated officer of the competent authority a progress certificate in the given format at the stage of Plinth and last storey level along with structural inspection report as provided for under sub-rule (2) of rule 9 of these rules.

(4) On receipt of the progress certificate from the owner or



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registered developer through the registered professional, the competent authority shall check for any deviation from the approved plan and convey decision within 7 working days to the owner or developer for compliance.

(5) If the order of continuance is not issued within 15 days of receipt of the respective application, it will be taken as deemed to be issued and the owner or developer may proceed with the construction without any deviation to the approved plan.

(6) The owner or Power of Attorney holder or registered developer or any other person who has acquired interest shall submit application in complete shape for issue of completion certificate according to the norms prescribed in Annexure - XXIII to these Rules.

(7) The competent authority may on its own or through a subordinate official or a qualified professional inspect or cause to be inspected the work atleast the two stages of construction viz, plinth level and completion of construction and such inspection shall include confirmation that,—

(a) the work was executed and the building was completed as per the approved plan as stated in these rules along with the norms prescribed for issuing the completion certificate;

(b) it shall be obligatory on the part of the applicant to confirm that certificate of Lift Inspector has been obtained regarding satisfactory erection of lift; and

(c) it shall also be obligatory on the part of the applicant to confirm the certificate to the Directorate of Fire & Rescue Services for completion of fire safety requirements as applicable for the type of building has also been obtained.

(8) If any project consists of more than one detached or semi detached building or buildings in a building unit and any building or buildings thereof is completed as per approved plan (such as parking, internal roads, height of the building, infrastructure facilities, lift and



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fire safety measures), the competent authority may issue completion certificate for such detached or semidetached building or buildings in a building unit.

(9) The completion certificate shall not be issued unless the information is supplied by the owner, developer, the registered professionals concerned in the schedule as prescribed by the competent authority from time to time.

(10) The competent authority shall within 30 days from the date of receipt of application for completion report inform, communicate its decision after necessary inspection about grant of completion certificate. (11) Connection to the sewer or water mains or electricity: (a) Temporary connection for water, electricity or sewer, permitted for the purpose of facilitating the construction, shall not be allowed to continue in the premises after completion of the building construction.

(b) No connection to the water mains or sewer line or electricity distribution line with a building shall be made without the prior permission of the authority and without obtaining completion certificate.

(c) In case the use is changed or unauthorised construction is made, the authority is authorised to discontinue such services or cause discontinuance of such service.”

5. The petitioner's house is of a small dimension. Hence, completion certificate is not required. The impugned communication is set aside. The first respondent is directed to give electricity connection to the petitioner subject to fulfilment of other usual formalities.



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6. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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