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W.P.No.12191 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12191 of 2022
and W.M.P.Nos.11637 & 11638 of 2022 & 11832 of 2024

Tamilnadu Thaniyar Minpaniyalgal
Vazhvathara Sangam,
Registration No.165/19,
Represented by its Secretary,
Elumalai
No.39/61, Erikarai Street,
Virugambakkam, Chennai – 600 092.

...Petitioner

Vs.

Tamil Nadu Electricity Board,
represented by its Chairman
No.800, Anna Salai,
Chennai – 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in Memo issued in No.CE/Coml/SE/EE3/F. Test Report/D-03/2022 dated 23.04.2022 issued by the respondent and quash the same and consequently to direct the respondent to follow the existing procedure in the case of giving L.T.(Low Tension) Electricity Service connection.



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For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.D.R.Arun Kumar, SC

ORDER

This writ petition has been filed seeking to quash the Memo issued in No.CE/Coml/SE/EE3/F. Test Report/D-03/2022 dated 23.04.2022 by the respondent and to consequently direct the respondent to follow the existing procedure in the case of giving Low Tension Electricity Service connection.

2. It is the case of the petitioner that the petitioner is the Secretary of the Tamil Nadu Thaniyar Minpaniyalargal Vazhvathara Sangam. The said Sangam is having B Certificate, which is duly licensed by the Government of TamilNadu. The said Sangam also possess the certificate of competency in order to effect service connections to the residential houses, for which a licence has been given to carry out all electrical work within the premises as stipulated under the provisions of Central Electricity Authority (Measuring Relating to Safety and Electric Supply) Regulations 2010 (in short 'the Act'). Upon completion of work, the petitioner Sangam shall give an authorized certificate. Further, the petitioner Sangam used to give test certificate as



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stipulated in the test certificate form given by the Tamil Nadu Generation and Distribution Corporation Limited, Chennai. When the respondent issued an order dated 31.10.2000, liberalizing the condition to the effect that it is not necessary to obtain test certificate from the petitioner Sangam, this Court had granted an order of interim stay and thereafter passed a final order in W.P.No.19616 and 19618 of 2000 dated 21.09.2001, directing the respondents therein to follow the existing procedure for effecting new service connection in respect of Low tension service connection. Thereafter, the earlier procedure had been followed by the respondent Corporation by memo dated 04.01.2021 and had decided to reformat the test report under Ease of Doing Business, so as to simplify the process of effecting service connection to the applicant. Thereafter, the respondent vide memo dated 23.04.2022, had issued an order relaxing the issuance of Test Certificate. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner submits that the wiring will be carried out only by a licensed electrical contractor and the supervision will be done only by a holder of a certificate of competency, if the wiring is



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done by the incompetent persons, the same causes great danger to the public property and lives. Hence, the impugned order passed by the respondent is liable to be set aside.

4. The learned Standing counsel appearing for the respondent submits that in the earlier occasions, the applicant of Electricity service connection has to run from pillar to the post in getting the signature of the Licensed Electrical Contractor in the application. After formulation of the Tamil Nadu Electrical Contractor Distribution Code, 2005 based on the Electricity Act, 2003, the procedure of getting signature of the Licensed Electrical Contractor in the service connection application form was dispensed since there is no provision in the Tamil Nadu Electricity Distribution Code to get the signature of the licensed wiring contractor and whereas, the signature of the licensed wiring contractor is being obtained till now in the Test Report form and the necessary instruction in this regard, the respondent issued Circular Memo dated 20.06.2008, which is in line with the provisions of the Act. Therefore, the impugned memo 23.04.2022, issued by the respondent relaxing the issuance of Test Certificate does not warrant any interference.



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5. More so, the Assistant Engineer/ Assistant Executive Engineer or his authorized staff will ensure the quality of wiring and installation inside the consumers' premises as per the safety provisions stipulated in the Act. He further submits that when there is a thorough checking of the wiring and installation inside the premises of the consumers both by the licensed wiring contractor and the qualified officials of the TANGEDCO, the question of danger to the public property will not arise.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials placed on record.

7. It is the claim of the petitioner that though the earlier procedure had been followed by the respondent by memo dated 04.01.2021, however, the respondent relaxed the conditions to obtain Low Tension Electricity Service Connections which would be of great loss to the petitioner Association to eke out their livelihood. A perusal of the memo dated 23.04.2022, reveals that the test certificate format has to be filled by the licensed electrical



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contractor having valid license issued by the Licensing Authority, Government of Tamil Nadu and the same has to be kept with the applicant permanently and the same has to be produced as and when required by the Licensee (TANGEDCO) at any stage. In addition to the above it was stated that the Assistant Engineer/ Assistant Executive Engineer or his authorized staff will ensure the quality of wiring and installation inside the consumer's premises as per the Act and other instructions regarding safety. It is pointed out by the respondent Board that a thorough checking of the wiring and installations is being done by the licensed wiring contractor and the qualified officials of the TANGEDCO. Hence, the question of peril does not arise. Since the impugned order passed by the respondent are in line with the provisions of the Act and all the modifications done by the TANGEDCO in effecting service connections are in the interest / convenience of the consumers, the same cannot be interfered with.

8. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai – 600 002.

M.DHANDAPANI, J.

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