



W.P.No.14713 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14713 of 2020

and

W.M.P.No.18283 of 2020

1.The Executive Engineer/Panruti
Cuddalore Electricity Distribution Circle,
TANGEDCO, Sub-Station Campus,
Poongunam, Panruti-607 106.

2.The Assistant Executive Engineer/Rural/North,
Panruti, Cuddalore Electricity Distribution Circle,
TANGEDCO, Sub-Station Campus,
Poongunam, Panruti-607 106.

... Petitioners

-Vs-

1.Tamil Nadu Electricity Ombudsman
No.19-A, Rukmini Lakshmipathy Salai,
(Marshal Road), Egmore,
Chennai-600 008.

2.E.Nilavazhagan

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records on the file of the 1st respondent in A.P.No.37 of 2019 dated 18.05.2020 passed by the 1st respondent as against the Electricity Consumer Complaint No.05 of 2019 dated 15.05.2019 herein and quash the same.



For Petitioner : Mr.V.Venkataseshaiya

For Respondents : No appearance

ORDER

This Writ Petition has been filed as against the order passed by the first respondent in A.P.No.37 of 2019 dated 18.05.2020, thereby complaint by the second respondent herein and directed the petitioner to shift the transformer on its own expenses.

2. Heard the learned counsel appearing for the petitioner. Though notice has been served on the respondents, none appeared on behalf of the respondents either in person or through counsel.

3. The second respondent's relative, viz., V.Iyyappan, had applied for agricultural electricity service connection wherein the land in which the agricultural service connection was sought is situated Thatampalayam Village nearby the land belongs to the second respondent under the Normal Scheme (Free Category). It was erected by the second respondents proposing single pole structure on 07.01.2019, without



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disturbance to vehicle path to avoid accidents and to minimize Board's exepness. While erecting the pole and energisation of new structure, the second respondent did not raise any objection during the execution of the said work. After completion of the entire new structure and also energisation, the second respondent raised objections and lodged a complaint before the Consumer Redressal Forum. Since it was not considered and as such, the second respondent filed an appeal before the Tamil Nadu Electricity Ombudsman, Chennai, viz., the first respondent herein.

4. The first respondent, without considering the Board's Regulation 5 (6) of the Tamil Nadu Electricity Supply Code 2004, shifting of the service/line, structure and equipments shall be borne by the consumer who shall pay the estimated cost of shifting in advance in full and the shifting work will be taken up only after payment is made by the consumer. Further, it is held that the petitioner failed to obtain consent from the second respondent before erecting the pole and structure. It is also seen that if the land belongs to the private parties, Section 10(4) of the Indian Telegraph Act, 1885, explains compensation for the crop



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damage during execution of work and not for the land utilised. It is relevant to extract the regulations under Section 29(5) and 29(6) of the Tamil Nadu Electricity Distribution Code 2004, which reads as follows :

“29(5) The Consumer shall provide free of cost to the Licensee adequate land/space in his/her premises, as may be considered necessary by the Engineer and afford all reasonable facilities for bringing in not only cables or overhead lines from the Licensee's system for servicing the consumer but also cables or overhead lines connecting other consumers. The land/space should be at a location near the entrance to the premises and should be easily accessible to Licensee's officials for inspection.

29 (6) The Consumer shall permit the Licensee to install all requisite equipments such as Transformers, switch gears, meters etc., and to lay necessary cables or overhead lines and to provide connections thereto on the consumer's premises and shall also permit the Licensee to extend supply to other consumers through the cables, lines and equipments installed in the consumer's premises, provided that the supply to the consumer in the opinion of the Engineer is not thereby unduly affected.”

5. Accordingly, the consumer shall provide free of cost to the licensee adequate land/space in his/her premises for bringing not only cables of OH lines from the licensee's system for servicing the consumer but also cable or overhead line connecting other consumer.

6. Further, the petitioner is ready and willing to shift the electric pole as requested by the second respondent only on the cost to be



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paid by the second respondent, since already the electric pole was erected and energised. Now, the service connection stands in the name of one V.Iyyappan. If at all the petitioner wants to shift the electric line, the second respondent ought to have pay the necessary charges for shifting the electric pole.

7. In view of the above, the impugned order passed by the first respondent in A.P.No.37 of 2019 dated 18.05.2020 cannot be sustained and it is liable to be quashed. Accordingly, it is hereby quashed. Hence, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

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Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

Tamil Nadu Electricity Ombudsman
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(Marshal Road), Egmore,
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