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W.P.No.32026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32026 of 2024

Saraswathy

...Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO, Coimbatore E.D.C./South,
Coimbatore.
2. The Assistant Engineer / O & M,
Coimbatore EDC/South, TANGEDCO,
Kaduvettipalayam, Coimbatore.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for records of the 2nd respondent dated 01.10.2024 in Ka.No.U.Mi.Po/E & Pe/Ka.Pa/Va.Aa/Kotppukattu/Vi.No.122/2024-2025, rejecting to consider petitioner's name transfer application and consequential order dated 10.10.2024 vide Ka.No.U. Mi.Po/E & Pe/Ka.Pa/V.AA/Koppukattu/Vi.No.132/2024-2025 insisting the petitioner to pay the BPSC amount and quash the same and consequentially direct the Respondents herein to transfer the name of the S.C.No.0329100174 for the property situated at S.No.248/1 situated at Annur Taluk, Coimbatore



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currently existing in the name of Mr.Kanthasamy, to the name of the petitioner herein.

For Petitioner : Mr.A.Manojkumar

For Respondents : Mr.L.Jaivenkatesh

ORDER

The petitioner has filed this Writ petition seeking quashment of the order of the 2nd respondent dated 01.10.2024 in Ka.No.U.Mi.Po/E & Pe/Ka.Pa/Va.Aa/Kotppukattu/Vi.No.122/2024-2025, rejecting to consider the petitioner's name transfer application and the consequential order dated 10.10.2024 in Ka.No.U. Mi.Po/E & Pe/Ka.Pa/V.AA/Koppukattu/Vi.No.132/2024-2025, insisting the petitioner to pay the BPSC amount and to consequently direct the respondents to transfer the name of the service connection in S.C.No.0329100174 in respect of the property comprised in S.No.248/1, situated at Annur Taluk, Coimbatore currently from Kanthasamy to the name of the petitioner.

2. Mr.L.Jaivenkatesh, learned counsel takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either



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side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that, she purchased the property comprised in S.No.248/1, situated at Annur Taluk, Coimbatore from one R.Kanthasamy, A.Chandrakala, K.Kavitha and S.Ayyasamy, vide registered sale deed dated 06.02.2012 and pursuant to the said purchase, the petitioner made an application dated 02.08.2024 bearing No.200032910824309 before the 2nd respondent seeking to transfer the electricity service connection in S.C.No.0329100174 in the above said property from the name of the previous owner namely Kanthasamy to the name of the petitioner, which was rejected by the 2nd respondent, vide impugned order dated 01.10.2024 in Ka.No.U.Mi.Po/E & Pe/Ka.Pa/Va.Aa/Kotppukattu/Vi.No.122/2024-2025, pursuant to the order of this Court dated 13.09.2024 made in W.P.No.27480 of 2024. Subsequently, the 2nd respondent, vide order dated 10.10.2024 in Ka.No.U.Mi.Po/E & Pe/Ka.Pa/V.AA/Koppukattu/Vi.No.132/ 2024-2025, directed the petitioner to pay the BPSC amount to the tune of Rs.12,35,697/-. Challenging the same, the petitioner has come up with this Writ petition.



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4. Learned counsel for the petitioner submitted that, initially, after the purchase of the subject property by the petitioner, the service connection to the said property was disconnected by the respondents on the ground that the previous owner committed theft of electricity, challenging which, the petitioner filed W.P.No.22374 of 2017 and the same was disposed of by this Court, vide order dated 22.02.2021 and aggrieved by the same, the respondent board preferred an appeal in W.A.No.50 of 2022 and the same was disposed of by this Court, vide order dated 25.09.2023, based on the undertaking given by the petitioner that, he is ready to pay the due of Rs.3,05,091/- and pursuant to the same, the petitioner paid the said amount. While such being the case, rejecting the petitioner's name transfer application and insisting the petitioner to pay the BPSC amount is wholly unsustainable, since no claim with regard to BPSC charges was made by the respondent board at the time of filing appeal before this court and all of a sudden directing the petitioner to pay a sum of Rs.12,35,697/- towards BPSC cannot be acceded to. Accordingly, he prayed for appropriate orders.

5. Learned counsel appearing on behalf of the respondents submitted that, at the time of passing of impugned order dated 29.05.2017 in and by



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which, the electricity service connection to the subject premises was disconnected, the total demand amount is only Rs.3,05,091/-. However, the petitioner paid the due amount only on 30.07.2024, after a lapse of seven years and the petitioner has to necessarily pay the BPSC charges for the above said period from 29.05.2017 to 30.07.2024. Hence, the respondent board, vide impugned orders directed the petitioner to pay a sum of Rs.12,35,697/- towards BPSC charges, which cannot be said to be erroneous. Accordingly, he prayed for dismissal of this Writ petition.

6. Heard learned counsel on either side and perused the materials available on record.

7. Admittedly, the petitioner purchased the subject property in the year 2012 and pursuant to the said purchase, as the respondent board disconnected the electricity service connection in S.C.No.0329100174 in the subject property on the ground that the previous owner committed theft of electricity, the petitioner filed W.P.No.22374 of 2017 and the same was disposed of by this Court, vide order dated 22.02.2021 and granted permission to the petitioner to make a fresh representation seeking electricity



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service connection and aggrieved by the same, the respondent board preferred an appeal in W.A.No.50 of 2022 and since the petitioner undertook to pay the due of Rs.3,05,091/-, recording the same, the appeal was disposed of by this Court on 25.09.2023. Pursuant to the same, the petitioner paid the said amount on 30.07.2024 and subsequently, the electricity service connection to the subject premises was restored. Thereafter, the petitioner made an application dated 02.08.2024 bearing No.200032910824309 before the 2nd respondent seeking to transfer the electricity service connection in S.C.No.0329100174 in the above said property to her name, which was rejected by the 2nd respondent, vide impugned order dated 01.10.2024 and subsequently, the 2nd respondent, vide order dated 10.10.2024, directed the petitioner to pay the BPSC amount to the tune of Rs.12,35,697/-.

8. A perusal of the materials placed on record reveals that, pursuant to the order of this Court, on 02.08.2024, the petitioner made an application seeking to transfer the electricity service connection in S.C.No.0329100174 in the above said property from the name of the previous owner namely Kanthasamy to the name of the petitioner and only at that point of time, the respondent board has demanded the petitioner to pay a sum of Rs.12,35,697/-



towards BPSC charges. As rightly pointed out by the learned counsel for the petitioner, no claim with regard to BPSC charges was raised at the earliest point of time when the appeal was heard by this Court. When such a stand has not been taken and no claim was made with regard to BPSC charges while the appeal was heard, it is not open for the respondents to claim BPSC charges when the petitioner approached the respondent board seeking name transfer. The said act of the respondent is wholly unsustainable and rejecting the petitioner's name transfer application and insisting the petitioner to pay the BPSC amount cannot be acceded to, since no claim with regard to BPSC charges was made by the respondent board at the time of passing the orders in the appeal.

9. For the reasons aforesaid, the impugned rejection order dated 01.10.2024, rejecting the petitioner's name transfer application and the consequential order dated 10.10.2024, insisting the petitioner to pay the BPSC amount, passed by the 2nd respondent are set aside and the respondents are directed to effect name transfer in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order.



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10. Accordingly, this Writ Petition stands allowed with the aforesaid directions. No costs.

25.10.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Superintending Engineer,
TANGEDCO, Coimbatore E.D.C./South,
Coimbatore.
2. The Assistant Engineer / O & M,
Coimbatore EDC/South, TANGEDCO,
Kaduvettipalayam, Coimbatore.

M.DHANDAPANI, J.

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