



W.P(MD)No.6518 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6518 of 2024

and

W.M.P.(MD)No.6097 of 2024

St.Alphonsa Trust,
Represented by Mr.Pushpa Raj,
Administrator and Authorised Signatory,
Kanyakumari Medical Mission Research Center (KMMC),
Devasahayam Nagar,
Muttom Eranial Road,
Muttom,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
TANGEDCO, Tamil Nadu Electricity Board,
6th Cross, TANTRANSCO Building,
144, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer,
TANGEDCO,
Maharaja Nagar,
Tirunelveli-11.
- 3.The Superintending Engineer,
TANGEDCO, Kanyakumari Electricity Distribution Circle,
Parvathipuram,
Nagercoil-629 003.
- 4.The Executive Engineer,
TANGEDCO,



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Kanyakumari District-629 175.

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5.The Assistant Divisional Engineer,
TANGEDCO, Kanyakumari Electricity Distribution Circle,
Parvathipuram,
Nagercoil-629 003.

6.The Assistant Engineer,
TANGEDCO,
Vellichanthai,
Kanyakumari District-629 809.

7.The Junior Engineer,
TANGEDCO,
Vellichanthai,
Kanyakumari District-629 809.

... 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 relating to the impugned order of the 3rd respondent i.e. the Superintending Engineer, TANGEDCO, Kanyakumari Electricity Distribution Circle, Parvathipuram, Nagercoil 629 003 in Lr.No.SE/KKEDC/NGL/AEE/DEV-II/F.DKT/D.NO.71/24 dated 14.02.2024 and quash the same as illegal and consequently direct the respondents to grant the new High Tension (HT) Service Connection and also sanction for the upgraded 750KVA Transformer based on the application No. 079094740102241343210 and thereby calculate the Tariff on the basis of the new HT from the date of their application.

For Petitioner : Mr.N.R.Elango
Senior Counsel
for Mr.M.Aarumugam

For Respondents : Mr.S.Deenadhayalan



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ORDER

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Heard the learned senior counsel appearing for the petitioner and the learned standing counsel for TANGEDCO.

2. The petitioner is a medical college cum hospital. They are enjoying the electricity service connection as on date. The service connection comes under what is known as low tension category. The petition applied to the respondent seeking HT service connection (including additional demand). The said request was rejected vide communication dated 14.02.2024. The reasons for not accepting the petitioner's request have been set out as follows:-

“(I) The campus comprises 14 buildings out of which four have not been approved.

(II) No objection certificate has not been obtained from the competent authority (R2).

(III) The correct survey number of lands have not been given.”

3. The learned senior counsel appearing for the petitioner drew my attention to the E.mail communication dated 14.02.2024 from the Superintending Engineer, Kanyakumari (EDC). The said communication acknowledges the receipt of the application from the petitioner and calls upon



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the petitioner to make certain payments under various categories. It is further stated that if the charges are not paid within the stipulated time, HT application would become null and void automatically.

4. I find considerable force in the stand of the learned senior counsel for the petitioner that when such a communication was issued calling upon the petitioner to make certain payments, it is inconceivable how on the very same day, the impugned order could have been passed. Of-course, in the counter affidavit, an explanation has been given to the effect that it was an auto generated E-mail. I am more than satisfied that it could not have been an auto-generated response from TANGEDCO. Be that as it may, calling upon the petitioner to pay the charges and rejecting the application in the same breadth is not in order. In any event, when 10 buildings put up by the petitioner are enjoying service connection, there cannot be any objection for converting the same into HT category. Of-course, for the remaining four buildings, permission has not been obtained. The petitioner will have to necessarily fulfill all the requirements stipulated by TANGEDCO. Without interfering with the impugned order, I dispose of the writ petition in the following terms:-

(I) The petitioner is called upon to submit an application to the third respondent seeking grant of HT service connection for



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the 10 buildings which are already enjoying the service connection as on date.

(II) As and when they are received, the petitioner will be informed immediately thereafter about the charges payable by the petitioner. Upon the petitioner remitting the charges stipulated by the third respondent, TANGEDCO will put in place the requisite infrastructural facilities so that the petitioner can enjoy HT service connection.

(III) The entire exercise shall be completed by the respondents within ten weeks from the date of submission of the fresh application by the petitioner.

5. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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