



W.P(MD)No.8076 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8076 of 2024

and

W.M.P.(MD)No.7319 of 2024

M/s.T.Harish Raj and T. Vishnu Raj,
Represented by its Partner,
T.Vishnu Raj.

... Petitioner

Vs.

1.The Superintending Engineer,
Madurai Distribution Circle,
Tamilnadu Generation and Distribution
Corporation Limited,
Madurai.

2.The Assistant Executive Engineer (Distribution),
Tamilnadu Generation and Distribution
Corporation Limited,
Kappalur, Madurai-625706.

3.The Assistant Engineer,
Industrial Estate,
Tamilnadu Generation and Distribution
Corporation Limited,
Kappalur, Madurai-625706.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the
records relating to the impugned order in



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VuMiPo/Tho.Pe/Kappa/Va.Aa/KoThani/A.No.026/24 dated 21.03.2024 passed by the 3rd respondent and quash the same and consequently direct the respondents to provide electricity connection to the petitioner firm in respect of the premises in Plot No. D26 in Survey No. 127 at Uchapatti Village, Kappalur SIDCO Industrial Estate, Madurai.

For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.S.Deendhayalan,
Standing Counsel.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for TANGEDCO.

2.The petitioner herein is partner of a firm. The petitioner wants to open Honda showroom in the petition mentioned premises bearing Plot No.D-26 in S.No.127, Uchapatti Village, Kappalur, SIDCO Industrial Estate, Madurai. The petitioner's application for grant of electricity service connection met with a road block. TANGEDCO pointed out to the petitioner that the petitioner's father / Thillairaj was one of the directors in a firm by name Towers Steel India Limited and it was running its unit in the premises bearing numbers C-19, C-20 and C-21 and that energy theft took place in the premises on 04.01.2010.



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Neither the petitioner's father nor the firm in which he was a director settled the dues. It is for this reason, TANGEDCO informed the petitioner that their application will not be considered. The petitioner was told that on their settling the pending dues which is to the tune of Rs.11,97,32,946/-, electricity service connection will given. Challenging the said communication dated 21.03.2024, the present writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned communication and grant relief as prayed for.

4.The learned standing counsel for the respondents submitted that the impugned order speaks for itself and that it does not warrant interference.

5.I carefully considered the rival contentions and went through the materials on record. There is no dispute that energy theft took place in sheds bearing numbers C-19, C-20 and C-21 on 04.01.2010 and that the dues are yet to be settled. The service connection stood in the name of M/s.Tower Steel India Limited. It is equally true that the petitioner's father / Thillairaj was one of the directors in the said company. But the writ petitioners cannot be saddled



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with any liability in respect of the said energy theft. If at all it is only their father, who could be liable.

6.The petitioners are not seeking electricity service connection for the premises where the theft took place. In the shed bearing number D-26, no theft ever took place. Service connection is sought for the first time.

7.My attention is drawn to the relevant regulation in Tamil Nadu Electricity Supply Code. Regulation 17(9)(a) reads as follow:-

“17. Agreement with respect to supply : Issues on recovery of charges:

(9)(a) In case of service connections in a premises, which have been disconnected / dismantled for defaults in payment of dues whatsoever and if such service connections are to be reconnected or new service connections are to be obtained by other persons in such premises either by purchase or transfer or lease basis, the Distribution Licensee shall reconnect such service connections or effect new service connections, as the case may be, in such premises only after payment of dues attributed to such premises by the applicant.”

8.It is relevant to note her that this amendment was introduced with effect from 18.03.2011. In this case, the theft took place earlier in point of time ie., 04.01.2010.



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8. My attention is drawn to the order dated 07.07.2022 made in W.P.(MD)No.1777 of 2017. I had held that the provision inserted in the Supply Code with effect from 18.03.2011 cannot be retrospectively applied. Inasmuch as the petitioner is not personally liable for the aforesaid liability and since in the premises in question, energy theft did not take place, the respondents are not justified in stipulating a condition that unless a liability arising out of energy theft is cleared, service connection will not be granted.

9. In this view of the matter, the impugned order is set aside. The respondents are directed to process the petitioner's application and provide electricity service connection to the petition mentioned premises without delay. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

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

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