



Cont.P.(MD)No.2198 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cont.P.(MD)No.2198 of 2024

P.Chinnakaruppan

... Petitioner

VS.

1.Nagathiruthani,
Assistant Executive Engineer,
TANGEDCO, Melur,
Madurai District.

2.Jeyakrishnan,
Assistant Engineer,
TANGEDCO, Alagarkovil,
Madurai – 625 301.

... Contemnors/
Respondent Nos.3 & 4

Prayer : Contempt Petition filed under Section 11 of Contempt of Courts Act, to commit and punish the contemnors/respondents for their wilful disobedience of the order passed by this Court in W.P.(MD)No.22785 of 2021 dated 22.11.2023.

For Petitioner : Mr.S.K.Muthamil Venthan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel
for TANGEDCO



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ORDER

The second respondent has filed an affidavit. The second respondent has taken the following stand in the affidavit :

“4. I humbly submit that petitioner applied for free Agricultural Electrical Service Connection vide Registration No.ME.No. 034/2009-10 dated 11.05.2009 (Application No.109-0719-520) for the well situated in S.No.22/11A, Poigaikaraipatti, Madurai East Taluk, Madurai.

5. I humbly submit that based on the Government announced and as per the seniority the Readiness Notice was sent to the petitioner through registered post on 24.12.2021. After that the petitioner registered his readiness on 24.01.2022. Thereafter on 25.01.2022 the estimate was prepared and directed the petitioner to furnish the all Revenue Records for the above said well belongs to the petitioner. At that time the petitioner not furnish any revenue records on his name because Civil Suit is pending as against him before the District Munsif Court, Melur in O.S.No.135 of 2014 filed by one Vellazhagi.



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6. I humbly submit that the Government has announced for effecting Agricultural service connections during the year 2024 – 2025, the Superintending Engineer, MEDC, Madurai has issued Memo dated 10.10.2024 to effect Agricultural Service Connection for the applicants those comes under Normal and RSFS Schemes. As per the circular the Cut Off date is fixed as 10.01.2022 for effecting Agricultural service connection. Further, the petitioner is registered his Readiness only on 24.01.2022. Therefore, the petitioner registered his readiness after the TARGET “Cut Off date”.

7. I humbly submit that as per the Regulation 5 of the Distribution Standards of Performance Regulations, 2004 Exceptions on Duty to Supply for Agricultural and Hut Services. The above said Regulation is extracted hereunder :-

‘The provision under Section 43 of the Act is however not applicable in the case of agricultural and hut services which shall be governed by the directives issued by the Commission from time to time, on the basis of the guidance on this matter by the National Electricity Policy (as stipulated in Section 86(4))



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of the Act and the policy directions is Public interest by the State Government (as stipulated in Section 108 of the Act).’

8. I humbly submit that as per the seniority the petitioner is in 3rd place in the Assistant Engineer, Algarkovil Section. Further, the petitioner will be provided agricultural service connection in the next announced by the Government for effecting Agricultural Service Connection. I humbly submit that but for the above said reasons TANGEDCO is not in a possession to complied with the orders of this Hon’ble Court. Hence, there is no willful disobedience warranting initiating contempt proceedings as against me.”

2. In the light of the above stand taken by the second respondent, no further orders can be passed in this Contempt Petition.

3. If the petitioner is aggrieved by the decision taken by the second respondent, the petitioner has to independently work out his remedy in the manner known to law.



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4. Accordingly, this Contempt Petition is closed.

04.12.2024

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

To

1.Nagathiruthani,
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TANGEDCO, Melur,
Madurai District.

2.Jeyakrishnan,
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N. ANAND VENKATESH, J.

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