



W.P.No.26857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

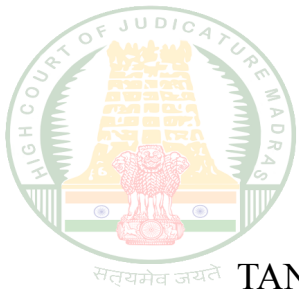
W.P.No.26857 of 2024
and W.M.P.No.29376 of 2024

M/s.SSG Apparcels,
Rep. by its Authorised Partner
D.Geetha

.. Petitioner

Versus

1. The Chief Engineer,
Distribution,
TANGEDCO,
Coimbatore.
2. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO,
No.208/650, 3rd Floor,
K.R.B.S. Tower,
Perumanallur Road,
Tirupur - 641 602.
3. The Executive Engineer,
Operations & Maintenance,



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Tirupur.

4. The Assistant Executive Engineer,
TANGEDCO,
Veerapandy,
Tiruppur District.

5. The Assistant Engineer,
TANGEDCO,
Iduvampalayam,
Tiruppur District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding vide Lr.No.SE/TEDC/TPR/AEE/GL/AE2/F.SSGApparels/D.1234/24, dated 25.07.2024 on the file of the 2nd respondent, quash the same and consequently direct the respondents to provide forthwith HTSC for 400 KVA at its building premises at SF.No.119, 120/1, Kulivayal Thottam, Kullegoundenpudhur, Andipalayam, Tiruppur - 641 687 based on the petitioner's application vide HT application Ack.No.039094383105241501111, dated 31.05.2024 applied through TANGEDCO WEBPORTAL within a time period to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar



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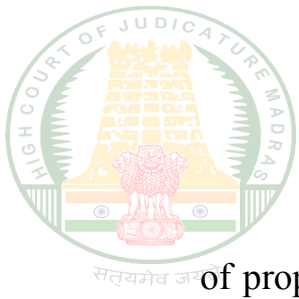
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For Respondents : Mr.M.Suresh Kumar,
Additional Advocate General,
Asstd. by Mr.L.Jai Venkatesh,
Standing Counsel (TANGEDCO)

ORDER

This Writ Petition is filed for a Certiorarified Mandamus calling for the records in respect of the impugned order, dated 25.07.2024 on the file of the second respondent and to quash the same and consequently direct the respondents to provide forthwith high tension supply for 400 KVA at its building premises at S.F.No.119, 120/1, Kulivayal Thottam, Kullegoundenpudhur, Andipalayam, Tiruppur based on the petitioner's application vide application No.039094383105241501111, dated 31.05.2024.

2. The grievance of the petitioner is that the petitioner had made a due application for grant of the electricity connection as stated above. There is no other impediment except for the fact that in respect of the adjacent extent



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of properties, there was an erstwhile concern by name M/s.Sunrise Knitting Mills, which had an electricity connection, in which, it is now claimed that dues to the extent of Rs.22,54,178/- as of 20.06.2024 were there which is to be paid with further interest. Since the dues run along with the land, it is alleged by the respondent TANGEDCO that by making artificial divisions in the property, the application is made by excluding certain extents and establishing a new concern and the connection is sought.

3. The petitioner denies the same and submits that it is a different entity. In any event, the learned Counsel now bring to the notice that as per the terms of supply, the security deposit which is made by the erstwhile concern is lying to the credit of the very same service connection HTSC No.74 in the name of the erstwhile firm. As per the terms of supply, if the defaulting concern did not make the payment for a period of 5 years after the amount became due, then, the respondent organisation is entitled to adjust the said amount towards the due outstanding. Even though that could not



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have been done as on the date of application, as of today, now, the five years period has come to an end by February, 2025 and therefore, now, the respondent TANGEDCO can adjust the said amount and if adjusted, nothing further due will remain and there will be no other impediment for the petitioner to be granted with the connection.

4. In this case, the erstwhile concern is a different entity. Except for the fact that the petitioner's father was one of the partner, the other parties are not before this Court. They may make different claims, but, the same are not decided. It can be seen from the Tamil Nadu Electricity Supply Code, in respect of HT consumers, the right of the said partners to claim reconnection or otherwise exist only upto five years from the date of disconnection. After the expiry of five years period, TANGEDCO will be entitled to adjust the security deposit towards the amount due to it.

5. In view thereof, as on date, there exists no impediment whatsoever



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for the respondent authorities to adjust the security deposit amount which is

obviously appears to be more than the amount that is claimed to be due.

Therefore, it would be open for the respondent authorities to forthwith carry out the said exercise of adjusting the security deposit made by the said concern namely, M/s.Sunrise Knitting Mills and if there is no balance due, any further sum need not be insisted upon from the petitioner and they can proceed and effect the connection as prayed for by the petitioner in the manner known to law if there is no other impediment. The entire exercise shall be carried out within a period of three weeks from the date of receipt/production of a web-copy of this order without waiting for the certified copy of this order.

6. This Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.02.2025

Neutral Citation : no

<https://www.mhc.tn.gov.in/judis>



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D.BHARATHA CHAKRAVARTHY, J.

grs

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