
(2010) 11 MAD CK 0345

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 10727 of 2009 and M.P. (MD) No's. 1 and 2 of 2009

A. Arul Rajasekar

APPELLANT

Vs

The Tamil Nadu
Electricity Board

RESPONDENT

Date of Decision: Nov. 26, 2010

Hon'ble Judges: P. Jyothimani, J

Bench: Single Bench

Advocate: S. Ramu, for the Appellant; M. Suresh Kumar, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

P. Jyothimani, J.

Heard the learned Counsel for the Petitioner and the learned Counsel for the Respondents.

2. The writ petition challenges the order of the second Respondent dated 22.09.2009 by which the second Respondent has informed the Petitioner that if any objections are raised by any of the occupants for the purpose of taking electrical poll, the same has to be at the risk of the Petitioner consumer.

3. The case of the Petitioner is that when the Petitioner is sought for expansion of electricity line as per the rules in respect of his building at 1/29-1 Naraiyoorani(East), it is the duty of the Electricity Board to find out alternative place without affecting the third parties. In which event, for any other expenses which may occur additionally the Petitioner is willing to pay the amount and on the other hand, the Petitioner is unable to file no objection certificate from third parties.

4. On the other hand, learned Counsel for the Respondents submitted that as per Section 27(6) of the Terms and Conditions for Supply of Electricity under the Tamil Nadu Electricity Distribution Code, 2004, the consumer has to arrange for the expenses regarding alternate route for the purpose of getting electricity line, which is as follows:

27(6) Where the intending consumer's premises has no frontage on a street and the supply line from the licensee's mains has to go upon over or under the adjoining premises of any other person (whether or not the adjoining premises is owned jointly by the intending consumer and such other person), the intending consumer shall arrange at his/her own expense for any necessary way leave, licence or sanction before the supply is effected. Even when the frontage is available, but objections are raised for laying lines/cables/poles through a route proposed by the licensee involving minimum cost and in accordance with the technical norms, to extend supply to the intending consumer, the intending consumer shall arrange at his/her own expense necessary way leave, licence or sanction before the supply is effected. Any extra expense to be incurred by the licensee in placing the supply line in accordance with the terms of the way leave, licence or sanction shall be borne by the intending consumer. In the event of way leave, licence or sanction being cancelled or withdrawn, the intending consumer shall at his/her own cost arrange for any diversion of the service-line or the provision of any new service line thus rendered necessary.

5. Considering the above said rules which are applicable on the facts of the present case, the Petitioner being the consumer as well as the licensee/Electricity Board shall work together to find out alternative route for the purpose of taking the electricity lines for which the Petitioner shall bear the expenses. Such exercise shall be completed subject to the co-operation between both the parties, within a period of six weeks from the date of receipt of a copy of this order. Making it clear that on such installation by alternative path, the Petitioner shall be responsible for payment of the additional expenses. The writ petition stands ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.