

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE AT CHENNAI

OA No. 4 OF 2022

Jaganathasamy

... Petitioner

Vs

1. The Member Secretary
And Ors.

... Respondents

REPLY FILED ON BEHALF OF THE RESPONDENTS 2,4,5 and 6



M/s. VIJAYA MEHANATH

COUNSEL FOR 2,4,5 and 6 RESPONDENT

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
O.A.No.4 of 2022 (SZ)**

Jaganathasamy,
S/o.Palanigounder,
No.959, Narasingapuram,
Krishnapuram Post,
Madathukulam Taluk, Tiruppur District.

... Petitioner.

-Versus-

1. The Member Secretary,
The Tamil Nadu Pollution Control Board,
No.76, Mount Road, Chennai – 600 032.
2. The Chairman,
TANGEDCO,
6th Floor, TANTRANSCO Building,
144, Anna Salai, Chennai – 600 002.
3. The District Collector,
Tiruppur District,
Tiruppur.
4. The Chief Engineer,
TANGEDCO,
Coimbatore.
5. The Superintending Engineer,
TANGEDCO,
Udumalpet.
6. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Tiruppur South.


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Tamil Nadu Generation and Distribution Corporation Ltd.,
Udumalpet Electricity Distribution Circle,
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7. The Assistant Engineer,
TANGEDCO,
230, KVA Sub Station,
Udumalpet.
8. The Proprietor,
M/s. Akshairaj Blue Metals,
No.531/2, Myvadi Village,
Madathukulam Taluk,
Tiruppur District. ... Respondents.

REPLY FILED ON BEHALF OF THE RESPONDENTS 2, 4, 5 & 6

I, M. RAJATHI, ^{W/P} S/O MARIAPPAN, aged about 57 years, having office at SE/VEDC/UDUMALPET do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am officiating as Superintending Engineer in Tamil Nadu Electricity Generation and Distribution Corporation Limited, the 5th Respondent herein and as well acquainted with the facts and circumstances of the case from records. I am swearing this affidavit in my official capacity and on behalf of the other Respondents also as I am authorized to do so. I further reserve the right to file an additional reply statement by TANGEDCO at a later stage.

2. I humbly submit that I have read the contents of the above application and at the outset, I deny all the averments contained in this Application except those that are specifically admitted therein. At the foremost, the Application is not maintainable as against the answering Respondents as the Applicant had failed to point out the violations committed by the answering respondents which resulted in damage to the environment.

3. I humbly submit that the Tamil Nadu Electricity Board was formed on July 1, 1957, under section 54 of the Electricity (Supply) Act 1948 in the State of Tamil Nadu as a vertically


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integrated utility responsible for power generation, transmission and distribution. The electricity network has since been extended to all villages and towns throughout the State. TNEB was restructured on 01.11.2010 into TNEB Limited; Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and Tamil Nadu Transmission Corporation Limited (TANTRANSCO).

4. I submit that initially three service connections in 310-011-346 for a capacity of 25HP, service connection in 310-011-964 for a capacity of 0.84kW, and service connection in 310 - 011 - 1097 for a capacity of 4.35kW was granted on 03.07.1982, 06.03.1997, and 06.03.2000 respectively in favor of one N.R.G Blue Metals.

5. I submit that the 8th Respondent herein had purchased the entire property from the said N.R.G Blue Metals and had submitted necessary documents to transfer the service in its name.

6. I submit that as a distribution licensee, TANGEDCO is bound to provide electricity as the same has become a basic essential for life as well as business.

7. I submit that Section 43 of the Electricity Act, 2003 imposes the obligation on the part of TANGEDCO to provide Electricity and the same is extracted hereinbelow:

Section 43. (Duty to supply on request): --- (1) 1[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:


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Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

1[Explanation.- For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]

(2) It shall be the duty of every distribution licensee to provide if required, an electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

Further, as per the Act, the only exception provided to TANGEDCO from providing the electricity is under Section 44 of the Act, which stipulates as follows:

Section 44. (Exceptions from duty to supply electricity):

Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.

8. I submit that upon consideration of an application seeking electricity, the supply is to be effected as per the Tamil Nadu Electricity Regulatory Commission Tamil Nadu Distribution Code, 2004. I submit that once in compliance with the above provisions an electricity service connection is granted TANGEDCO does not



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have the power to disconnect the same except under Sections 56 and 135 of the Act, 2003. **Section 56** speaks about **the disconnection of supply in default of payment** and **Section 135** speaks about **the theft of electricity**. Hence, as per the above provisions alone, TANGEDCO can disconnect the supply already granted for violations mentioned therein. This apart, the electricity supply granted will be disconnected for violation of any other law in force, and specifically directed to be disconnected for such violation.

9. I submit that in the present case, as the 8th Respondent is a crusher unit, it is necessary for the unit to secure approval i.e., consent to operate the plant and discharge of sewage and/or trade effluent under Section 25 of the Water(Prevention and Control of Pollution) Act, 1974 as amended in 1988 from Tamil Nadu Pollution Control Board.

10. I submit that in the present case, the 8th Respondent had secured the necessary Consent order from Tamil Nadu Pollution Control Board on 02.09.2020 and the same is valid till 31.03.2022. I submit that as TNPCB had granted consent in favor of the 8th Respondent, the application for the 8th Respondent for the enhanced load was considered by TANGEDCO and an additional load of 51kW was granted for service connection 310-011-346. I submit that before granting the additional load, an inspection was carried out in the property and it was found that the high-tension line is passing some 90 meters away from the service connection 310-011-346 and no operation is being carried out by the 8th Respondent.

11. I deny the contention that TANGEDCO without considering the rules and regulations and without considering the fact that a high-tension line is passing through the property, TANGEDCO has granted additional load to the 8th Respondent. I state that before granting the electricity service connection TANGEDCO inspects the property and ensures that safety is never compromised. This


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 Madurai Electricity Distribution Circle,
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 11/09/2022

apart, the transmission lines are laid in extreme precisions considering the permanent features such as roads, power lines, railway lines, communication lines, dwelling units, and the crossing stipulations and statutory clearances. Even in the present case, while the applicant pointed out that construction is being carried out beneath the transmission line by the 8th Respondent TANGEDCO had issued a letter to the 8th Respondent seeking not to construct beneath the tower line and to maintain necessary clearance from the transmission line.

12. It is necessary to point out there are no restrictions/ conditions were imposed on a landowner from using his/her property. A landowner is free to use his property and carry out even farming activity also. I state that like all cash crops, Mango, Tamarind trees can be cultivated underneath the line as usual, even dig bore wells can be dug underneath the conductor for the purpose of irrigation. The embargo is tall growing trees like coconut and palm trees as the growing of the same is not advised considering the safety of the public. I further state that even building and other structures can be constructed at a distance of 5.49m from the conductor. Hence, the contention of the Applicant that due to passing of high-tension line no additional load is to be supplied to the 8th Respondent is without any basis and liable to be rejected.

13. I state that TANGEDCO always ensures compliance with all rules and regulations before granting the connection and also ensures the maintenance of safety standards before effecting a connection. In the present case, the service connection for which additional load was supplied is situated more than 90 meters away from the high-tension electric line and as such, there is no violation of any statutory provision by TANGEDCO. In any case, if the 8th Respondent violates the conditions of TNPCB and TNPCB or this Hon'ble Tribunal directs TANGEDCO to disconnect the supply or issues any other directions TANGEDCO would abide by the same.


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14. I humbly submit that the answering Respondents have always ensured the strictest compliance to the safety norms and will further comply with all norms prescribed in the future.

For the reasons stated above, I humbly pray that this Hon'ble Tribunal may be pleased to dismiss the above application and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Tiruppur on this the Monday day of March 2022

x 

RESPONDENT

SUPERINTENDING ENGINEER
Tamilnadu Generation and Distribution Corporation Ltd.,
Dumalpet Electricity Distribution Circle,
DUMALPET - 642 126.

VERIFICATION

I, M. RAJATHI ^{D/O MARIAPPAN} Son of _____, aged 57 years, having an office at SE/TANGEDCO/UDT. do hereby verify that the contents of the para 1 to 14 are true to the best of my knowledge and I have not suppressed any material fact.

Verified at 21 on this the day of March 2022.



RESPONDENT

SUPERINTENDING ENGINEER,
Tamilnadu Generation and Distribution Corporation Ltd.,
Dumalpet Electricity Distribution Circle,
DUMALPET - 642 126.

