

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.6821 and 6822 of 2015

and

M.P.Nos.1 and 2 of 2015 (in each W.P)

The South India Steel & Starch industries,
HTSCNO.80,
110/1-B, Nattamangalam Main Road,
Maniyanur,
Salem - 636 010
rep by its,
Authorized signatory
C.Manivelu

... Petitioner in
W.P.Nos.6821 of 2015

Sree Rangaraj Steel & Alloys (P) Ltd,
HTSC No.136,
No.36/3-4, Thiruchy Bye-Pass Road,
Ammani Kondalam, Salem-636010.
Rep. by its Director, S.Shyam Sundar

... Petitioner in
W.P.Nos.6822 of 2015

Vs.

- 1) The TANGEDCO,
Rep by its Chairman,
No.800, Anna Salai,
Chennai - 600 002
- 2) The Chief Engineer - Commercial,
TANGEDCO,
144, Anna Salai, Chennai - 600 002
- 3) The Chief Financial Controller - Revenue,
TANGEDCO,
144, Anna Salai, Chennai - 600 002
- 4) The Accounts Officer / Revenue,
Salem Electricity Distribution Circle,
TANGEDCO, Salem.

5) Central Electricity Authority
represented by its Chairperson,
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi - 110 066

6) Tamil Nadu Electricity Regulatory
Commissioner, Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008

.. Respondents in W.P.Nos. 6821
and 6822 of 2015

Writ Petition No.6821 of 2015:

Writ Petition No.6821 of 2015 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned CC bill No.80 dated 02.03.2015 issued by the 4th respondent in so far as it levies a sum of Rs.3,41,808/- towards charges for harmonics dumping under Serial 14 'Add/Less Adjustment charge' quash the same as illegal, arbitrary, without the authority of law and against the provisions of th CEA (Technical Standards for Connectivity of the Grid) Regulation, 2007 and consequently forbearing the 2nd and 4th respondents from in any manner levying, demanding and/or collecting surcharges for not providing the harmonic controls from the Petitioner who is connected with 22 KV supply line.

Writ Petition No.6822 of 2015:

Writ Petition No.6822 of 2015 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned CC bill No.136 dated 01.03.2015 issued by the 4th respondent in so far as it levies a sum of Rs.19,41,120/- towards charges for harmonics dumping under Serial 14 'Add/Less Adjustment charge' quash the same as illegal, arbitrary, without the authority of law and against the provisions of th CEA (Technical Standards for Connectivity of the Grid) Regulation, 2007 and consequently forbearing the 2nd and 4th respondents from in any manner levying, demanding and/or collecting surcharges for not providing the harmonic controls from the Petitioner who is connected with 22 KV supply line.

For Petitioner : Mr.R.S.Pandhiyaraj

For Respondents: Mr.S.K.Rameshwar for R1 to R4,
Mr.N.Sivabharathi, CGC for R5.

COMMON ORDER

When the Writ Petitions are taken up for hearing today, learned counsel for the respondents submitted that the issue raised in these Writ Petitions, is already covered by the decision of this Court dated 05.06.2017 in a batch of writ petitions, namely W.P.No.25 of 2015, etc. Paragraphs 34 and 35 of the said order reads as follows:

"34. In view of Regulation 4(1) (iv) of the Tamil Nadu Electricity Supply Code, although the State has got power to direct the consumers to install harmonic filters irrespective of their voltage connection as stated by learned Additional Advocate General for the TANGEDCO, the same cannot be sustained in view of non-specification of any standard of harmonics for 11kv/22kv/supply line consumers by the CEA, who, being an Apex Body as per Section 73(d) of the Act, has exclusive powers to specify the Grid standards for operation and maintenance of transmission lines.

35. Thus, for all the reasons stated above, the impugned demands are quashed. Consequently, the writ petitions are allowed "

2. Following the above said order of this Court, this Writ Petition is also allowed on the same terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

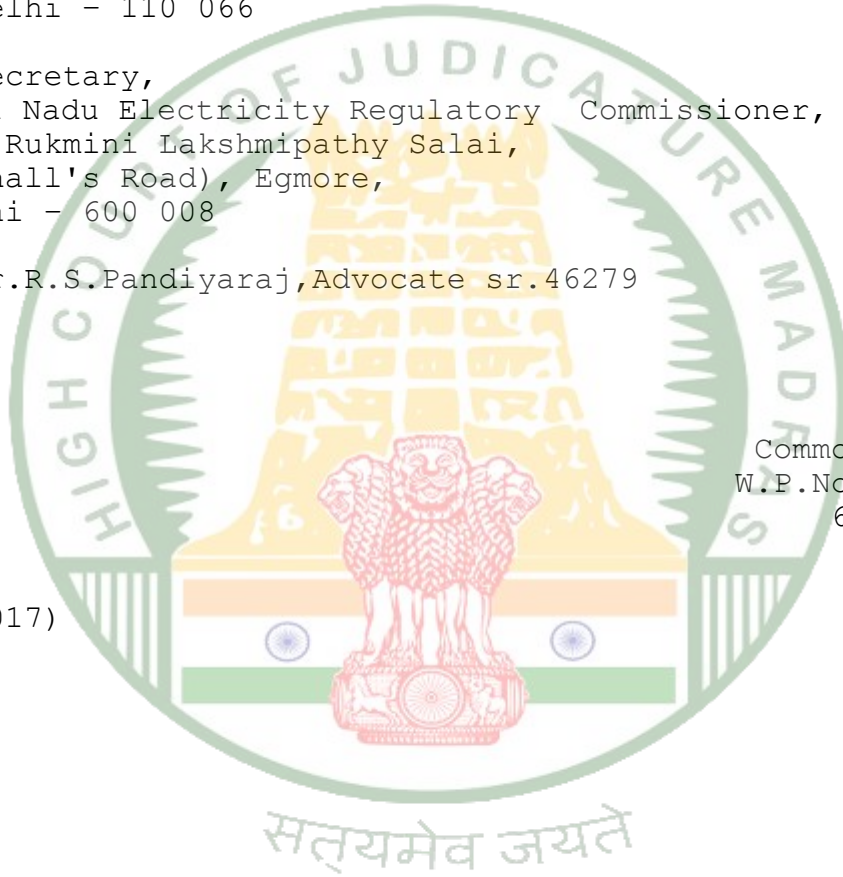
- 1) The Chairman,
The TANGEDCO,
No.800, Anna Salai,
Chennai - 600 002
- 2) The Chief Engineer - Commercial,
TANGEDCO,
144, Anna Salai, Chennai - 600 002

- 3) The Chief Financial Controller - Revenue,
TANGEDCO,
144, Anna Salai, Chennai - 600 002
- 4) The Accounts Officer / Revenue,
Salem Electricity Distribution Circle,
TANGEDCO, Salem.
- 5) The Chairperson,
Central Electricity Authority
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi - 110 066
- 6) The Secretary,
Tamil Nadu Electricity Regulatory Commissioner,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008

+1cc to Mr.R.S.Pandiyaraj,Advocate sr.46279

br(co)
ss(19/7/2017)

Common Order in
W.P.Nos.6821 and
6822 of 2015



WEB COPY