



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

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W.P.(MD) No.20297/2014, 2407 of 2015, 1731 and 1732, 4756/2015, 6799/2015, 6800/2015, 11007 & 11008, 12052 to 12054, 12649, 17676, 18137/2015 and 24871/2016

and

M.P.(MD).Nos.1,2,3 of 2014 and 1/2015, 1,1,1,1,1,1,1,1,1,1,1,1,1,1,2,2,2,2,2,2,2,2,2,2,2,2,2,2,3,3,3,3,3,3,3,3,3,3,3,3 of 2015 and WMP Nos.17978 and 17979 of 2016 in W.P.(MD) No.24871/2016

TAMILNADU SPINNING MILLS ASSOCIATION

#2 KARUR ROAD, NEAR BESCHI COLLEGE

MODERN NAGAR, DINDIGUL - 624 001

(REGN. NO.330/97)

REPRESENTED BY ITS CHIEF ADVISOR

DR.K.VENKATACHALAM ... PETITIONER in WP(MD) No.20297 of 2014

M/S. VEEBEE YARN TEX PVT. LTD.

REP. BY ITS MANAGING DIRECTOR,

A.SARAVANA KUMAR , HT SC NO. 059094520192,

NH 208, MADURAI ROAD, T. KUNNATHUR ,

PERAIYUR TALUK,

MADURAI DISTRICT. ... PETITIONER in WP(MD) No.2407 of 2015

M/S. SUBBURAJ COTTON MILLS PRIVATE LTD.

UNIT - II , REP. BY ITS MANAGING DIRECTOR,

A. SARAVANAKUMAR, HT SC NO. 59,

SRIVILLIPUTHUR ROAD, RAJAPALAYAM,

VIRUDHUNAGAR DISTRICT. ... PETITIONER in WP(MD).No.1731 of 2015

M/S. SUBBURAJ COTTON MILLS PRIVATE LTD.

UNIT - II, REP. BY ITS MANAGING DIRECTOR

A. SARAVANAKUMAR HT SC NO. 305,

SRIVILLIPUTHUR ROAD, RAJAPALAYAM,

VIRUDHUNAGAR DISTRICT. ... PETITIONER in WP(MD) No.1732 of 2015

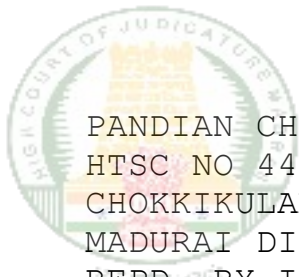
M/S. SREE VADIVAMBIGAI TEXTILE MILLS PVT. LTD.

HTSC NO. 29, REP. BY ITS MANAGING DIRECTOR,

R. SUBRAMANIAN,

<https://hcservices.ecourts.gov.in/hcservices/> SAKKANTHI POST, SIVAGANGAI,

SIVAGANGAI DISTRICT. ... PETITIONER in WP(MD) No.4756 of 2015



PANDIAN CHEMICALS LTD.

HTSC NO 44. NO.17A, VALLABAI ROAD,

CHOKKIKULAM , MADURAI 625 002,

MADURAI DISTRICT,

REPD. BY ITS MANAGING DIRECTOR,

D. MANOHARRAJ.

... PETITIONER in WP(MD) No.6799 of 2015

MADURAI STEEL INDUSTRIES (P)LTD.

HTSC NO. 76 CHETTINAICKENPATTY,

COLLECTORATE POST, DINDIGUL 624 004,

DINDIGUL DISTRICT,

REPD. BY ITS ACCOUNT MANAGER,

P. SARDAR

... PETITIONER in WP(MD) No.6800 of 2015

M/S. SRIPATHI PAPER AND BOARD PRIVATE LIMITED,

HTSC NO.210, REP BY ITS AUTHORIZED SIGNATORY,

M. SAMAYAKARUPPASAMY,

SUKKIRAVARPATTI, ANAIKUTTAM , SIVAKASI ,

VIRUDHUNAGAR DISTRICT. ... PETITIONER in WP(MD) No.11007 of 2015

M/S. SRI MURUGAN PAPER MILLS PRIVATE LIMITED,

HTSC NO.187, REP BY ITS AUTHORIZED

SIGNATORY M. SAMAYAKARUPPASAMY,

LAKSHMIAPURAM ROAD, AMATHUR 626005,

VIRUDHUNAGAR DISTRICT. ... PETITIONER in WP(MD) No.11008 of 2015

M/S.SHRI RAMALINGA TEXTILES PRIVATE LTD.

HTSC NO.122, REP.BY ITS AUTHORISED

SIGNATORY S.BASKARAN,

SAYALKUDI ROAD, SAVVASAPURAM,

ARUPPUKOTTAI. ... PETITIONER in WP(MD) No.12052 of 2015

M/S. SHRI GOVINDARAJA TEXTILES PRIVATE LTD.

PLANT NO.7, HTSC NO.182,

REP.BY ITS AUTHORISED SIGNATORY S.BASKARAN ,

MELAKANDAMANGALAM , TAMILPADI POST -626 159,

ARUPPUKOTTAI. ... PETITIONER in WP(MD) No.12053 of 2015

M/S. SHRI JAYAVARDHAN SPINNING MILLS PRIVATE LTD.

HTSC NO.297, REP.BY ITS AUTHORISED SIGNATORY S.BASKARAN,

TIRUCHULI ROAD ,

ARUPPUKOTTAI.

... PETITIONER in WP(MD) No.12054 of 2015



M/S. MUTHULAKSHMI SPINNING MILLS PRIVATE LTD.
HTSC NO.213, REP BY ITS MANAGING DIRECTOR S. SHANMUGAVEL ,
SRIVILLIPUTHUR. ... PETITIONER in WP(MD) No.12649 of 2015

M/S.VISVAS PAPERS PRIVATE LIMITED.
HTSC NO.358,
REP. BY ITS AUTHORISED SIGNATORY M.SAMAYAKARUPPASAMY,
BF-4, SRINIVASA APARTMENTS, NANDHINI STREET,
VELMURUGAN NAGAR, VEERACHOLAN, KARIAPATTI,
ARUPPUKOTTAI. ... PETITIONER in WP(MD) No.17676 of 2015

ATLANTIC FABRICS HTSC NO.92,
S.F.NO.1658 , 1659 , AMARAVATHI NAGAR,
ANDANKOVIL (POST), KARUR 639 002,
KARUR DISTRICT, REP. BY ITS MANAGER,
P.PERIASAMY ... PETITIONER in WP(MD) No.18137 of 2015

M/S.HARIHAR ROCKS
REP. BY ITS PARTNER ANAND GUPTHA,
HTSC NO.212, SENGOTTAI VILLAGE,
NATTAR MANGALAM,
MADURAI 625 020. ... PETITIONER in WP(MD) No.24871 of 2016

-VS-

- 1 TAMILNADU GENERATION AND DISTRIBUTION LTD.
(TANGEDCO) REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR,
NO.144 ANNA SALAI CHENNAI.
- 2 THE CHIEF ENGINEER - COMMERCIAL TANGEDCO,
144 ANNA SALAI, CHENNAI-600 002.
- 3 THE CHIEF FINANCIAL CONTROLLER - REVENUE TANGEDCO,
144 ANNA SALAI, CHENNAI - 2.
- 4 TAMIL NADU ELECTRICITY REGULATORY COMMISSION (TNERC),
TIDCO OFFICE, BUILDING NO. 19-A,
RUKMAN LAKSHMIPATHY SALAI,
MARSHALLS ROAD, EGMORE,
CHENNAI - 8. ... RESPONDENTS in WP(MD) No.20297 of
2014

- 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 SUPERINTENDING ENGINEER,
SIVAGANGAI ELECTRICITY DISTRIBUTION CIRCLE,
TANGEDCO, SIVAGANGAI.

5 THE CENTRAL ELECTRICITY AUTHORITY,
REP BY ITS CHAIRPERSON,
6TH FLOOR SEWA BHAWAN,
R.K.PURAM, NEW DELHI-110 006.

6 TAMIL NADU ELECTRICITY REGULATORY COMMISSION,
REP BY ITS SECRETARY ,
19-A RUKMINI LAKSHMIPATHY SALAI,
(MARSHALLS ROAD) EGMORE,
CHENNAI 600 008. ... RESPONDENTS in WP(MD) No.6799 of
2015

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 SUPERINTENDING ENGINEER,
DINDIGUL ELECTRICITY DISTRIBUTION CIRCLE,
TANGEDCO, DINDIGUL.

5 CENTRAL ELECTRICITY AUTHORITY
REP BY ITS CHAIRPERSON,
6TH FLOOR, SEWA BHAWAN,
R.K.PURAM , NEW DELHI-110 006.

6 TAMIL NADU ELECTRICITY REGULATORY COMMISSION,
REP BY ITS SECRETARY ,
19-A RUKMINI LAKSHMIPATHY SALAI,
(MARSHALLS ROAD) EGMORE,
CHENNAI 600 008. ... RESPONDENTS in WP(MD) No.6800 of
2015



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- 1 TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED (TANGEDCO) REP BY ITS CHAIRMAN AND MANAGING DIRECTOR , NO.144 , ANNA SALAI, CHENNAI 600 002.
- 2 THE CHIEF ENGINEER- COMMERCIAL TANGEDCO , 144 , ANNASALAI , CHENNAI 600 002.
- 3 THE CHIEF FINANCIAL CONTROLLER-REVENUE , TANGEDCO , 144, ANNA SALAI , CHENNAI 600 002.
- 4 THE SUPERINTENDING ENGINEER TANGEDCO, VIRUDHUNAGAR ELECTRICITY DISTRIBUTION CIRCLE, VIRUDHUNAGAR.
- 5 TAMIL NADU ELECTRICITY REGULATORY COMMISSION (TNERC), TIDCO OFFICE BUILDING, NO.19-A, RUKMANI LAKSHIPATHY SALAI, MARSHALLS ROAD, EGMORE , CHENNAI- 600 008. ... RESPONDENTS in WP(MD) No.11007 of 2015

- 1 TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED (TANGEDCO), REP BY ITS CHAIRMAN AND MANAGING DIRECTOR, NO.144, ANNA SALAI, CHENNAI 600 002.
- 2 THE CHIEF ENGINEER- COMMERCIAL TANGEDCO, 144 , ANNASALAI, CHENNAI 600 002.
- 3 THE CHIEF FINANCIAL CONTROLLER-REVENUE TANGEDCO, 144 ANNA SALAI , CHENNAI 600 002.
- 4 THE SUPERINTENDING ENGINEER TANGEDCO, VIRUDHUNAGAR ELECTRICITY DISTRIBUTION CIRCLE, VIRUDHUNAGAR.
- 5 TAMIL NADU ELECTRICITY REGULATORY COMMISSION (TNERC), TIDCO OFFICE BUILDING , NO.19-A RUKMANI LAKSHIPATHY SALAI, MARSHALLS ROAD, EGMORE, CHENNAI- 600 008. ... RESPONDENTS in WP(MD) No.11008 of 2015



NO.144, 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 TAMIL NADU ELECTRICITY REGULATORY COMMISSION (TNERC) ,
TIDCO OFFICE BUILDING,
NO.19-A, RUKMANI LAKSHMIPATHY SALAI,
MARSHALLS ROAD, EGMORE ,CHENNAI-600 008.

5 THE SUPERINTENDING ENGINEER,
VIRUDHUNAGAR ELECTRICITY DISTRIBUTION CIRCLE,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LTD.
VIRUDHUNAGAR. ... RESPONDENTS in WP(MD) No.17676 of 2015

1 TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED
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 SUPERINTENDING ENGINEER,
KARUR ELECTRICITY DISTRIBUTION CIRCLE,
TANGEDCO, KARUR.

4 ACCOUNTS OFFICER/REVENUE,
KARUR ELECTRICITY DISTRIBUTION CIRCLE,
TANGEDCO, KARUR.

5 CENTRAL ELECTRICITY AUTHORITY REP. BY ITS CHAIRPERSON,
6TH FLOOR, SEWA BHAWAN, R.K.PURAM,
NEW DELHI 110 066.

6 TAMIL NADU ELECTRICITY REGULATORY COMMISSION,
REP. BY ITS SECRETARY,
19A, RUKMINI LAKSHMIPATHY SALAI,
(MARSHALLS ROAD), EGMORE ,
CHENNAI 600 008. ... RESPONDENTS in WP(MD) No.18137 of 2015

1 THE TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED (TANGEDCO)
REP. BY ITS CHAIRMAN,
NO.800, ANNA SALAI,
CHENNAI 600 002



- 2 THE CHIEF FINANCIAL CONTROLLER - REVENUE,
TANGEDCO , 144, ANNA SALAI, CHENNAI.
- 3 THE SUPERINTENDING ENGINEER
MADURAI ELECTRICITY DISTRIBUTION CIRCLE,
TANGEDCO, MADURAI.
- 4 CENTRAL ELECTRICITY AUTHORITY
REP. BY ITS CHAIRPERSON 6TH FLOOR SEWA
BHAWAN R.K.PURAM NEW DELHI 110 066
- 5 TAMIL NADU ELECTRICITY REGULATORY COMMISSION,
REP. BY ITS SECRETARY ,
19-A, RUKMINI LAKSHMIPATHY SALAI,
(MARSHALLS ROAD) EGMORE,
CHENNAI 600 008. ... RESPONDENTS in WP(MD) No.24871 of
2016

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd and 3rd respondents in the matter of issuance of their impugned letters bearing Memo. No. CE/Comml/EE3/AEE2/F.Harmonics/D.589/13 dated 19.08.2013 and Lr.No.CFC/FC/REV/AAO/HT/D.673/2014 dated 05.11.2014 and quash the same, as not maintainable under the law more specifically under the express provisions made in the CEA (Technical Standards for connectivity to the Grid) Regulation 2007, under Regulation 2 Clause 8, Clause 34 and Regulation 3 and consequently forbearing the 1 to 3 respondents, raise any demand for payment towards surcharges for not providing the harmonic controls as far as the members of the petitioner who are connected with 11 KV and 22 KV supply lines.

For Petitioner : Mr.R.S.Pandiyaraj
For R1 to R4 : Ms.S.Srimati for
Mr.S.M.S.Johnny Basha
Standing Counsel for TANGEDCO

COMMON ORDER

All these writ petitions have been filed challenging the correctness of the impugned circular bearing No.Memo.No.CE/Comml/EE3/AEE2/F.Harmonics/D.589/13 dated 19.08.2013, issued by the Chief Engineer - Commercial, Chennai second respondent herein in so far as the petitioners are concerned and the consequential Demand notices issued by the fourth respondent to quash the same and to forbear the respondents and/or any one claiming through or under them and/or any other



person from in any manner insisting on harmonic control and levying, demanding and/or collecting charges and compensation for harmonics dumping from the petitioners for their respective HT SC numbers either through the CC Bills or in any other manner connected with 11 kv supply lines.

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2. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents 1 to 4.

3. The learned counsel appearing for the petitioners submitted that the issue involved in these writ petitions is covered by a decision made in a batch of writ petition in W.P.Nos.25 of 2015 dated 05.06.2017. The relevant portion of the said order is extracted hereunder:

"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 11 kv/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.

Thus, for all the reasons stated above, the impugned demands are quashed. Consequently, the writ petitions are allowed. No costs."

4. After this order, it was also brought to the notice of this Court by the learned counsel for the petitioners that the order passed by this Court has been followed by the Tamilnadu Electricity Regulatory Commission for determination of Tariff for Generation and Distribution in its order in TP No.1 of 2017 dated 11.08.2017, wherein, it has been incorporated as under:

"6.1.1.2 Harmonics:

a..... (b) It shall not be applicable for all HT consumers connected at 11 kv and 22 kv until the CEA prescribes any standard of harmonics for 11 kv/22kv supply line consumers and makes them also obligatory for harmonic controls."

5. In view of the above said order dated 05.06.2017, all these writ petitions stand allowed and the impugned demand notices are quashed. No costs. Consequently, the connected miscellaneous petitions are closed.



RR

To

1.The Chairman and Managing Director,
Tamilnadu Generation and Distribution
corporation Limited (TANGEDCO)

No.144, 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.Tamil Nadu Electricity Regulatory,
Commission, (TNERC)
TIDCO Office Building,
No.19-A, Rukmini Lakshmipathy Salai,
Marshall's Road, Egmore,
Chennai-600 008.



30.08.2017