



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM:

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THE HONOURABLE MR. JUSTICE T. RAJA

W.P(MD)No.20309 of 2014, 4290 and 4291 of 2015
and

M.P. (MD) .Nos.1,2,3 of 2014 and 1,1,2,2 and 3,3 of 2015

W. P. (MD) .No.20309/2014

Kaleeswaran Mills "B"Unit
P.O.Bag No.1, Kalaiyarkoil - 630 551
Sivagangai District,
Represented by its General Manager
M.P.Sivasamraj

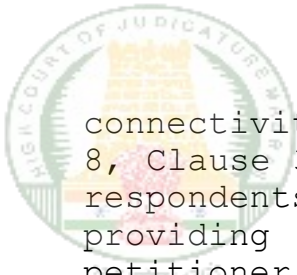
... Petitioner

Vs.

1. Tamilnadu Generation and Distribution
corporation Limited (TANGEDCO)
Represented by its Chairman and Managing Director,
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 Lakshmi pathy Salai,
Marshall's Road, Egmore,
Chennai-600 008.

.. Respondents

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 Ir. 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.

WEB COPY

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

W.P. (MD) .No.4290 and 4291/2015

M/s.Geetha Krishna Spinning Mills Private Ltd.,
Represented by its Managing Director
V.K.Subramania Raja
S/o.V.S.Krishnama Raja
116/2A Melapattinam
Karisalkulam,Rajapalayam
Virudhunagar District

... Petitioner in
W.P.No.4290/2015

M/s.Rahul Spinning Mills Private Ltd.,
Represented by its Partner
P.Devaraj, S/o.Perumal Raja
3/191 A.Melapattinam,
Karisalkulam,Rajapalayam
Virudhunagar District

... Petitioner in
W.P.No.4291/2015

Vs.

1. Tamilnadu Electricity Regulatory Commission
Represented by its Secretary
19A Rukmini Lakshmipathy Salai
(Marshall's Road) Egmore,
Chennai 600 008.
2. Tamilnadu Generation and Distribution
corporation Limited (TANGEDCO)
Represented by its Chairman and Managing Director,
No.144, Anna Salai,
Chennai-600 002.
3. The Chief Engineer - Commercial,
TANGEDCO.,
144, Anna Salai,
Chennai-600 002.
4. The Chief Financial Controller - Revenue
TANGEDCO.,
144, Anna Salai, Chennai-600 002.



5. The Superintending Engineer
Virudhunagar Electricity Distribution Circle
TANGEDCO, Virudhunagar.

.. Respondents 1 to 5
in WP(MD)Nos.4290 and 4291/2015

COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in the matter of issuance pertaining to the 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 of the 4th respondent and letter in Lr.No.SE/VREDC/VDR/AEE.GL/AE.1/F HARMONICS/D.No.1527/13 dated 29.08.2013 of the 5th respondent and quash the same as not maintainable under the Central Electricity Authority (Technical Standard for Connectivity to the Grid) Regulations, 2007, under Regulation 2 Clause 8, Clause 34 and Regulation 3 and consequently forbearing the respondents to raise any demand for payment towards surcharges for not providing the harmonic controls as far as the petitioner is connected with 11 KV and 22 KV supply lines.

For Petitioners : Mr.P.Arun Jayatram
in Both WP(MD)Nos.4290 & 4291/2015

For R1 to R5 : Mr.G.Kasinatha Durai
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 1 to 4 their men, officers, agents, servants, representatives 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.

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.

Sd/-

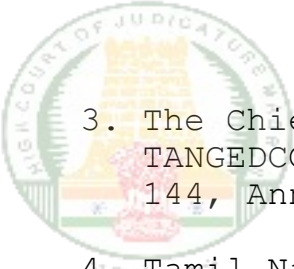
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

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.

5. The Superintending Engineer
Virudhunagar Electricity Distribution Circle
TANGEDCO, Virudhunagar.

+ 1 CC TO Mr.P.ARUN JAYATRAM, ADVOCATE IN SR No. 80168
+ 1 CC TO Mr.R.S.PANDIYARAJ, ADVOCATE IN SR No. 80147

RR

TE/SV-MMS/SAR-II : 03/11/2017 : 5P/8C

W.P(MD)No.20309 of 2014, 4290 and 4291 of 2015 and
M.P.(MD).Nos.1,2,3 of 2014 and 1,1,2,2 and 3,3 of 2015
20.09.2017