

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.09.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.6546 of 2015
and
M.P. (MD) .Nos.1,2 and 3 of 2015

M/s.Aruppukottai Sri Jayavilas Ltd
Represented by its Director T.R.S.Karthikeyan
HTSC No.68
258 Thiruchuli Road
Aruppukottai
Virudhunagar District.

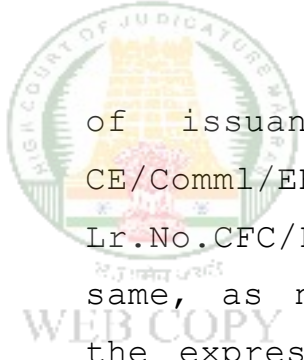
... Petitioner

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 Lakshmipathy 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



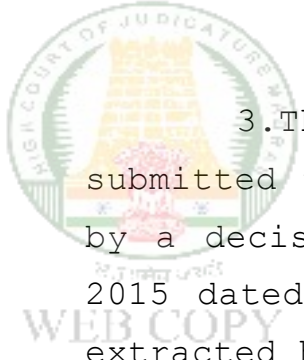
of issuance of their impugned letters bearing Memo. No. CE/Comm1/EE3/AEE2/F.Harmonics/D.589/13 dated 19.08.2013 and Lr.No.CFC/FC/REV/AAO/HT/D.673/2014 dated 05.11.2014 and quash the same, as not maintainable under the law more specifically under the express provisions made in the CEA (Technical Standards 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.S.Karunakar
For R1 to R4	: Mr.G.Kasinatha Durai
	Standing Counsel for TANGEDCO

ORDER

The writ petition has been filed challenging the correctness of the impugned circular bearing No.Memo.No.CE/Comm1/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 petitioner is 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 petitioner for his HT SC number either through the CC Bills or in any other manner connected with 11 kv supply lines.

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



3.The learned counsel appearing for the petitioner submitted that the issue involved in the writ petition 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 petitioner 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 this writ petition stands allowed and the impugned demand notice is quashed. No costs. Consequently, the connected miscellaneous petitions are closed.

sd/-

Assistant Registrar (Records)

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

+1cc to M/S.S.KARUNAKAR, Advocate SR.No.80677.

+1cc to M/S.G.KASINATHADURAI, Advocate SR.No.80212.

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