



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.9958 of 2015

and

M.P. (MD).Nos.1 to 3 of 2015

A.Jeba Suresh

... Petitioner

Vs.

- 1.The TANGEDCO,
Rep by its Chairman,
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.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.
- 5.Central Electricity Authority,
Represented by its Chairperson,
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi - 110 066.
- 6.Tamil Nadu Electricity Regulatory,
Commission, Represented by its Secretary,
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 respondent impugned Circular bearing No.Memo.No.CE/Comml/EE3/AEE2/F.Harmonics/D.589/13 dated 19.08.2013 in so far as the petitioner is concerned and the consequential notice Lr.No.SE/TEDC/TIN/AO/REV/ACS/HT/F.Harmonics/D.159/15 dated 06.06.2015 issued by the 4th respondent and quash the same and forbear the 1st to 4th respondents, their men, officers, agents, servants, representatives and/or any one 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 their HT SC No.259 either through the CC Bills or in any other manner who is connected with 11 kv supply lines.

For Petitioner : Mr.B.Vinoth Balan

For R1 to R4 : Mr.G.Kasinatha Durai
Standing Counsel for TANGEDCO

ORDER

This Writ Petition has 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 petitioner is concerned and the consequential notice Lr.No.SE/TEDC/ TIN/AO/REV/ACS/HT/F.Harmonics/D.159/15 dated 06.06.2015 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 No.259 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 this writ petition is covered by a decision made by me in a batch of writ petition in W.P.Nos.25 of 2016 dated 28.02.2017. 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.



4. In view of the above said order dated 28.02.2017, the writ petition stands allowed and the impugned notice is quashed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd /-

ASSISTANT REGISTRAR (P&A)

WEB COPY

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Chairman, 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. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.
5. The Chairperson,
Central Electricity Authority,
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi - 110 066.
6. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008.

+1 CC TO MR.B.VINOTH BALAN, ADVOCATE, SR NO.67068

rm/ar

MAS/KP/SAR1:31.07.2017:3P-8C

W.P (MD) No.9958 of 2015
21.07.2017