



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.13810 of 2016

and

W.M.P. (MD) .Nos.10306 and 10307 of 2016

Atlas Processing Mills HTSC No.111,
(Formerly Known as K.V.P.Dyeings)
Aandankoil, West Village,
Karur Taluk, Karur District,
Represented by its Partner M.Nachimuthu

... Petitioner

Vs.

- 1.TANGEDCO,
Rep by its Chairman,
No.800, Anna Salai, Chennai-600 002.
- 2.The Superintending Engineer,
Karur Electricity Distribution Circle,
TANGEDCO, Karur.
- 3.Central Electricity Authority,
Represented by its Chairperson,
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi - 110 066.
- 4.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's impugned demand notice bearing Lr.No.SE/ KEDC/KRR/DFC/AS/HT/F.Harmonics/D.334/15, dated 17.08.2015, quash the same as illegal, arbitrary, without the authority of law and against the provisions of the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 and against Tariff Order dated 20.06.2013 issued by the 4th respondent and consequently forbearing the 2nd respondent from in any manner levying, demanding and /or collecting surcharges for the harmonic controls from the Petitioner who is connected with 11 kV supply line.



For Petitioner

: Mr.R.S.Pandiyaraj

For Respondents

: Mrs.S.Srimathi,
For Mr.S.M.S.Johny Basha,
Standing Counsel for TNEB

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ORDER

This Writ Petition has been filed challenging the correctness of the impugned demand notice bearing Lr.No.SE/KEDC/KRR/DFC/ AS/HT/F.Harmonics/D.334/15, dated 17.08.2015 issued by the 2nd respondent and quash the same as illegal, arbitrary, without the authority of law and against the provisions of the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 and against Tariff Order dated 20.06.2012 issued by the 4th respondent and consequently forbearing the 2nd respondent from in any manner levying, demanding and /or collecting surcharges for not providing the harmonic controls from the Petitioner who is connected with 11 kV supply line.

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

3.The learned counsel appearing for the petitioner submitted that the issue involved in this writ petition is covered by a decision of mine made in a batch of writ petition in W.P.Nos.25 of 2016 dated 28.02.2017. The relevant portion of the said order passed by me 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.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(CS-I)



To

1. TANGEDCO,
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No.800, Anna Salai, Chennai-600 002.
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TANGEDCO, Karur.
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rm/ar

AE/MR KKR/SAR2/28.07.2017/3P/5C

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