



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.5429 of 2016

and

W.M.P. (MD) .Nos.4881 and 4882 of 2016

CPC Private Limited, HTSC.No.131
Plot No.9D & 10D,
SIPCOT Industrial Complex,
Pudukottai - 622 002,
Pudukottai District
Represented by its Managing Director
Aditya Balasundaram

... Petitioner

Vs.

- 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,
Pudukottai Electricity Distribution Circle,
TANGEDCO, Pudukottai.
- 4.Accounts Officer/Revenue
Pudukottai Electricity Distribution Circle,
TANGEDCO, Pudukottai.
- 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 3rd respondent's impugned notice Lr.No.SE/PEDC/PDKT/ AEE/GL/F/Harmonics/D.243/14, dated 27.04.2015 and the consequential CC bill issued by the 4th Respondent dated 29.02.2016 in so far as it relates to the levy of Harmonic compensation charges tune of Rs.1,06,296/- in Serial No.15 (Harmonics Compensation Charge), 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 consequently forbearing the 2nd and 4th respondents from in any manner levying, demanding and /or collecting surcharges for not providing the harmonic controls from the Petitioner's HTSC No.131 who is connected with 11 kv supply line.

For Petitioner : Mr.R.S.Pandiyaraj

For R1 to R4 : Mrs.S.Srimathi
Standing Counsel for TNEB

ORDER

This Writ Petition has been filed challenging the correctness of the impugned notice Lr.No.SE/PEDC/PDKT/AEE/GL/F/Harmonics/D.243/14, dated 27.04.2015 issued by the third respondent herein and the consequential CC bill issued by the 4th Respondent dated 29.02.2016 in so far as it relates to the levy of Harmonic compensation charges tune of Rs.1,06,296/- in Serial No.15 (Harmonics Compensation Charge), 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 consequently forbearing the 2nd and 4th respondents from in any manner levying, demanding and /or collecting surcharges for not providing the harmonic controls from the Petitioner's HTSC No.131 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 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. 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(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
No.800, Anna Salai, Chennai-600 002.
2. The Chief Engineer - Commercial,
TANGEDCO,
144, Anna Salai, Chennai-600 002.
3. The Superintending Engineer,
Pudukottai Electricity Distribution Circle,
TANGEDCO, Pudukottai.
4. Accounts Officer/Revenue
Pudukottai Electricity Distribution Circle,
TANGEDCO, Pudukottai.
5. The Chairperson,
Central Electricity Authority,
68, B. R. Ambedkar 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.

rm/ar

AE/MR KKR/SAR3/31.07.2017/4P/7C

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