

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.16159 and 16160 of 2015

M/s.Pushpavalli Engg. Works,
H.T.Sc.No.049094240205,
No.96-C/10, Attur Main Road,
Ayothiapattinam,
Salem - 636 103.
Rep. By its Manager
Mr.P.Venkatesan..

Petitioner in W.P.No.16159/15

M/s.Sree Palani Andaver Alloys & Steels (P) Ltd.,
H.C.Sc.No.04-909-246-0346,
No.4/173, Paniyampalli,
Thoppupalayam Post, Chenniamalai,
Erode District - 638 051.
Rep. By its Managing Director
P.Chellappan

.. Petitioner in W.P.No.16160/15

Vs

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 2.

.. 1st respondent in both WPs

2.The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO,
Salem Circle Office, Salem.

.. 2nd respondent in W.P.No.16159/15

3.The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO,
Erode - 638 009.

.. 2nd respondent in W.P.No.16160/15

4.The Central Electricity Authority (CEA),
Rep. By its Chairman,
6th floor, Selva Bhawan,
R.K.Puram, New Delhi - 110 066.

5.The Tamil Nadu Electricity Regulatory Commission
(TNERC),

Rep. By its Secretary,
19A, Rukmani Lakshipathy Salai,
Egmore, Chennai - 8.

.. Respondents 3 & 4 in both WPs

Prayer in W.P.No.16159/15: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records pertaining to the Bill No.049094240205, dated 30.05.2015 issued by the second respondent culminating in the impugned demand, in item 14, Add/Less adjustment charge, towards the compensation for Harmonics dumping and quash the same as illegal, arbitrary and against the Regulation 2007 framed by the fourth respondent and pass such further orders.

Prayer in W.P.No.16160/15: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the 2nd respondent culminating in the impugned Notice in Lr.SE/EEDC/A/cs.Br/HT/A4/F.HTSC.346 Harmonics/D/493/15, dated 25.05.2015 issued to H.T.Sc.No.346, M/s.Sree Palani Andaver Alloys Steels (P) ltd., and quash the same as illegal, arbitrary and against the Tariff orders, Supply Code 2004 and the Regulations of the third respondent, as the petitioner is availing 11kv supply only which does not create harmonics and consequently forbear the respondents 1 and 2, their men, officers, servants, representatives or any one claiming through or under them or any other person from levying, demanding and collecting compensation charges either through C.C. Bills or in any other manner from the petitioner.

For petitioners : Mr.K.Seshadri in both WPS

For R1 & R2 : Mr.S.K.Raameshuwar,
Standing counsel in both WPS

For R3 & R4 : No Appearance

COMMON ORDER

In these writ petitions, challenge is made to the impugned levy of harmonic charges at 15% from the High Tension Industrial Consumers (HT-1) and High Tension Commercial Consumers (HT-III), who operate at a voltage level of below 33 kv, namely, 11kv/22kv supply lines.

2. The above said prayer has already been answered by this Court in M/s.S.Palaniyandi Mudaliar Memorial Hospital Vs.

TANGEDCO and others (W.P.Nos.25 of 2014, etc. (batch), dated 05.06.2017), by quashing the said impugned proceedings demanding harmonic charges at 15% from 11kv/22kv supply lines consumers. For better appreciation, relevant portion of the order is extracted below:-

"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 11kv/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.

35. Thus, for all the reasons stated above, the impugned demands are quashed. Consequently, the writ petitions are allowed. No Costs. Consequently, connected miscellaneous petitions are also closed."

3. Mr.S.K.Raameshwar, learned standing counsel for the respondents 1 and 2 also fairly stated that the issue involved in these writ petitions has already been settled by this Court in the above said judgment.

4. Thus, in view of the above, these writ petitions are disposed in terms of the order passed by this Court in M/s.S.Palaniyandi Mudaliar Memorial Hospital Vs. TANGEDCO and others (W.P.Nos.25 of 2014, etc. (batch), dated 05.06.2017). No Costs. Consequently, connected miscellaneous petitions are closed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai - 2.

2.The Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO, Salem Circle Office, Salem.

3.The Superintending Engineer,
Erode Electricity Distribution Circle,
TANGEDCO, Erode - 638 009.

4.The Chairman,
The Central Electricity Authority (CEA),
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5.The Tamil Nadu Electricity Regulatory Commission
(TNERC),
Rep. By its Secretary,
19A, Rukmani Lakshipathy Salai,
Egmore, Chennai - 8.

+1 C.C. to Mr.K.Seshadri Advocate SR.NO. 28570

+1 C.C. to Mr.S.K.Raameshuwar Advocate SR.NO. 29134

W.P.Nos.16159 and 16160 of 2015

KAN (CO)

VS 16.05.2018

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