

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No34225 of 2014

and

M.P.No.2 of 2014

M/s.Aruna Alloy Steels (P) Ltd.,
HTSC No.120,
C.No.3/1, Melur Road, Ulaganeri Village,
Madurai - 625 007.
Rep. By its Managing Director,
Sv.Arunachalam ..Petitioner

vs

- 1.The TANGEDCO,
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 Chief Financial Controller - Revenue,
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
- 4.The Superintending Engineer,
Madurai Electricity Distribution Circle/Metro,
TANGEDCO, Madurai.
- 5.Central Electricity Authority,
Rep. By its Chairperson,
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi-110 066.
- 6.Tamil Nadu Electricity Regulatory
Commission, Rep. By its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records of the 2nd respondents 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 impugned demand notice dated 13.10.2014 issued by the 4th respondent 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 forbearig the 2nd and 4th respondents from in any manner levying, demanding and/or collecting surcharges for not providing the harmonic controls from the petitioner who is connected with 11kv supply line.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Mr.P.R.Dhilip Kumar
1 to 4 & 6

For Respondent 5 : Mr.A.Veeramani

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the impugned Circular issued by the respondent on 19.08.2013 and the consequential demand notice dated 13.10.2014 and to quash the same.

2. The learned counsel appearing on behalf of the writ petitioner submitted that similar issues raised in the writ petition are decided by this Court in batch of writ petitions and final order has been passed on 05.06.2017 and the operative portion of the order is paragraph No.34, which is extracted hereunder:-

"34. Likewise, Section 181 gives power to the State Commission to make Regulations consistent with the Act and Rules to carry out the provisions of this Act. By exercising such power, the Tamil Nadu Electricity Regulatory Commission had issued the Tamil Nadu Electricity Supply Code, wherein the Regulation 4 (1) (iv) of the Tamil Nadu Electricity Supply Code, which is extracted below, deals with additional charges for harmonic dumping.

"4. Charges recoverable by the Licensee - The charges, recoverable by the Licensee from the consumers are:-

(1). Tariff related charges,
namely,-
(iv). Additional charges for
harmonics dumping

where any equipment installed
by a consumer generates harmonics, the
consumer shall provide adequate harmonic
suppression units to avoid dumping of
harmonics into Licensee's distribution system
and the Licensee is at liberty to provide
suitable metering equipment to measure the
harmonic level pursuant to such harmonic.
Where the consumer fails to provide such
units, he shall be liable to pay compensation
at such rates as the commission may declare
from time to time."

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/22 kv/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."

3. In view of the final order of this Court in batch of Writ
Petitions, the present writ petition also to be disposed of,
based on the judgment cited supra. Accordingly, the impugned
demands are quashed, and consequently, the writ petition stands
allowed. No costs. Consequently, connected miscellaneous
petition is closed.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

nmm/asi

+1 CC to Mr.R.S. Pandiaraj, Advocate sr 38243.
+1 CC to Mr.A. Veeramani, Advocate sr 37453.

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and
M.P.No.2 of 2014

KGK (CO)
SP (05/07/2018)



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