

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.23828 of 2015 and
M.P.Nos.1 & 2 of 2015

The Southern India Mills Association,
Rep. By its Secretary General,
No.41, Race Course Road,
Coimbatore - 641 018.

... Petitioner

v.

1. TANGEDCO,
Rep. By its Chairman,
No.800, Anna Salai,
Chennai - 600 002.

2. Central Electricity Authority,
Represented by its Chairperson,
6th Floor, Sewa Bhawan,
R.K. Puram, New Delhi - 110 066.

3. Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmi pathy Salai
(Marshall's Road),
Egmore, Chennai - 600 008.

... Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st respondent to formulate a methodology for the applicability and measurement of harmonic compensation and implement the same prospectively after obtaining the approval of the 3rd respondent upon the applicable category of consumers having connectivity of 33Kv and above levels, by strictly complying with the requirement of conducting an inspection of harmonic levels, issuing notice and levying compensation, if any, after the expiry of the notice period of three months.

For Petitioner :Mr. Rahul Balaji
For Respondents :Mr. N. Damodaran
Standing Counsel - R1 & R3
Not Ready in Notice - R2

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to formulate a methodology for the applicability and measurement of harmonic compensation and implement the same prospectively after obtaining the approval of the 3rd respondent upon the applicable category of consumers having connectivity of 33Kv and above levels, by strictly complying with the requirement of conducting an inspection of harmonic levels, issuing notice and levying compensation, if any, after the expiry of the notice period of three months.

2. Mr. Rahul Balaji, learned counsel appearing for the petitioner submitted that instead of considering the prayer sought for in the Writ Petition, it would suffice to give liberty to the petitioner to give a representation to the 3rd respondent and on submission of the same, the 3rd respondent may be directed to consider the same and pass orders, in accordance with law.

3. Mr. N. Damodaran, learned Standing Counsel, appearing for the respondents 1 and 3 submitted that in the event of the petitioner giving a representation to the 3rd respondent, the 3rd respondent may be directed to consider the same in accordance with law.

4. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the case, I give liberty to the petitioner to give a representation to the 3rd respondent and on submission of the same, the 3rd respondent shall consider and pass orders, on merits and in accordance with law, as expeditiously as possible.

With these observations, the Writ Petition is disposed of.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

Rj

To

1. The Chairman,
TANGEDCO,
No.800, Anna Salai,
Chennai - 600 002.
2. The Chair person,
Central Electricity Authority,
6th Floor, Sewa Bhawan,
R.K. Puram, New Delhi - 110 066.
3. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai
(Marshall's Road),
Egmore, Chennai - 600 008.

W.P.No.23828 of 2015 and
M.P.Nos.1 & 2 of 2015

SSI(CO)
GS(23/10/2020)

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