

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.23829 of 2015 and
M.P.No.1 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 Chair Person,
6th Floor, Sewa Bhawan,
R.K. Puram, New Delhi - 110 066.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus forbearing the 1st respondent from enforcing the provisions relating to installation harmonic control equipment and compliance with the provisions in that regard, including by imposition of c harmonic penalty/compensation charges when the consumers are found connected with 11 Kv/22Kv supply.

For Petitioner
For Respondents

:Mr. Rahul Balaji
: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. The petitioner association has filed the Writ Petition seeking to challenge the act of the respondent TANGEDCO to impose harmonic penalty charges on HT connections with connected load of 11/22KVA. According to the petitioner, section 73 of Electricity Act 2003 makes it clear that CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 are applicable only to the Distribution Systems maintained by the 1st respondent besides to bulk consumers. Further, the regulation 2(B) defines the terms "Bulk Consumer" as a consumer availing supply at voltage of 33 kv or above. Further, according to the petitioner, the regulations are applicable only to bulk consumers, who are receiving supplies from 33 kv or above lines and users, such as, generating company including captive generation plant or transmission licensee other than Central Transmission Utility or State Transmission Utility or distribution licensee or bulk consumer whose electrical plan is connected to the grid at voltage level 33 kv and above. However, without issuing a clear notice of three months as mandated under Tariff order No.1 of 2013, there can be no demand for the payment of harmonic compensation charges. The petitioner association has also stated that the measurement ought to be done by the respondent TANGEDCO after excluding the harmonics that is being injected by its own grid and it is imperative that a suitable mechanism is devised for this purpose.

3. Mr. Rahul Balaji, learned counsel appearing for the petitioner submitted that in a batch of writ Petitions in W.P.Nos.25 of 2015 etc. batch, this Court, by order dated 05.06.2017, quashed the demands made by the TANGEDCO finding that neither Section 50 nor Section 86 of the Tamil Nadu Electricity Supply Code supports the respondents TANGEDCO in the matter of levying of harmonic charges on the 40 11kv/22kv supply line consumers. Further, this Court held that 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. Further, it has been held that 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, 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. The learned counsel further submitted that in view of the order passed in W.P.Nos.25 of 2015 etc batch, the present Writ Petition has to be allowed.

4. Mr. N. Damodaran, learned Standing Counsel, appearing for the respondents 1 and 3 also agreed with the submissions made by the learned counsel for the petitioner and submitted that in view of the order passed in W.P.Nos.25 of 2015 etc batch, the present Writ Petition may be allowed.

5. Having regard to the submissions made by the learned counsel on either side, following the ratio laid down by this Court in the order dated 05.06.2017 made in W.P.Nos.25 of 2015 etc batch, the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

Rj

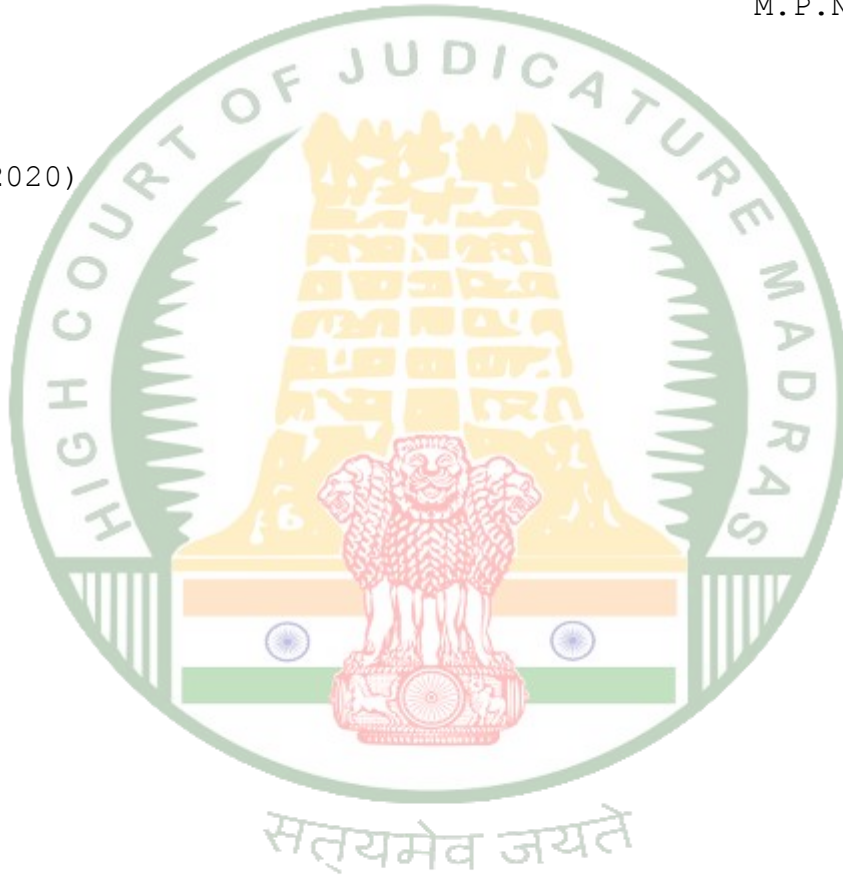
To

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.

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