



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. Nos. 18128 and 18139 of 2021
and WMP Nos.19350, 19351, 19357 and 19358 of 2021

Tamilnadu Spinning Mills Association
Registration No.330/97
#2 Karur Road
Modern Nagar
Dindigul
Tamil Nadu
represented by its Chief Advisor
Dr.K.Venkatachalam

.. Petitioner in W.P.No.18128

Tamil Nadu Electricity Consumers' Association
Registration No.181-524/1998
1st Floor, SIEMA Building
8/4 Race Course Coimbatore 641018
Tamilnadu
Rep. by its Vice President N.Pradeep

.. Petitioner in W.P.No.18139

Vs

1.Central Electricity Authority
Sewa Bhawan, R.K.Puram
Sector 1
New Delhi 110066
represented by its Secretary

2.The Tamil Nadu Electricity Regulatory Commission,
4th floor, SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate
Guindy, Chennai 600 032.
represented by its Secretary

3.The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
rep. by its Chief Engineer (Commercial)
144 Anna Salai
Chennai 2

..Respondents in both W.Ps.

(R3 has been suo-motu impleaded by this Court
vide order dated 01.09.2021)



Common Prayer: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a Writs of Certiorarified Mandamus to call for the records of the 1st respondent's impugned reply letter No.12/X/STD(CONN)/GM/2020/20-21 dated 08.01.2021 and quash the same as not maintainable to law, on the reason that the 1st respondent cannot shift his responsibility of disposing of the appeal petition to the shoulders of the State Commission, who has no authority for such a disposal and consequently direct the 1st respondent, Central Electricity Authority, to dispose of the Appeal Petitions filed by the petitioner on 11.01.2020, 10.02.2020 & 04.02.2020 in terms of Regulation 16 of the Central Electricity Authority (Technical Standards for Connectivity of the Distributed Generation Resources) Amendment Regulations 2019, now renamed as Central Electricity Authority (Technical Standards for Connectivity below 33 Kilovolts) Regulation, 2013, according to law and merits, within a specified time frame and forbear the 2nd respondent, the State Commission to keep the entire matter covered by M.P.No.22 of 2020 and the consequential Draft Amendment issued by the State Commission, for amending the Tamilnadu Electricity Supply Code 2004, proceeded before the State Commission, under abeyance, pending disposal of the appeal petition filed by the petitioner before the 1st respondent CEA, filed under Regulation 16 of the Central Electricity Authority (Technical Standards for Connectivity of the Distributed Generation Resources) Amendment Regulations 2019 now renamed as Central Electricity Authority (Technical Standards for Connectivity below 33 Kilovolts) Regulations 2013.

For Petitioner : Mr.R.S.Pandiaraj

For Respondent : Mr.Ashok Kumar

Central Government Standing Counsel for R1

Mr.Abdul Saleem for R2

Mr.L.Jai Venkatesh for R3

COMMON ORDER

These writ petitions have been filed for a direction to the first respondent to dispose of the appeal petition filed by the petitioners, which is pending before the first respondent and in the meantime, direct the 2nd respondent to keep the proceedings in M.P.No.22 of 2020 in abeyance till the first respondent disposes of the appeal petition.

2.The case of the petitioner is that the CEA (Technical Standards for Connectivity to the Grid) Regulations 2007 came into force on 08.03.2012 and accordingly, all the bulk consumers connected with 33 KV line supply capacities were obligated to get their harmonic distortions within the notified levels. In



Tamil Nadu, the TNERC had fixed the harmonic compensation charges at the rate of 15% of the current consumption bills as per order dated 11.12.2014. It is stated that the TANGEDCO, in addition to enforcing the harmonic controls norms with the 33 KV supply line bulk consumers, was also attempting to enforce the same with consumers connected under 11 and 22 KV supply lines also. According to the petitioner, this was contrary to the 2007 regulations issued by the first respondent.

3.The consumers, who fell under 11 and 22 KV supply lines filed a batch of writ petitions before this Court and those writ petitions were allowed by holding that the consumers falling under this category are not liable to pay the harmonic compensation. Based on the same, the second respondent also issued a tariff order on 11.08.2017.

4. In the meantime, the first respondent issued a public notice by enclosing certain draft amendments to accommodate the provision relating to e-vehicle charging stations. However, while issuing the final notification on 08.02.2019, the consumers falling under the category of 11 and 22 KV supply lines were also brought within the harmonic controls and according to the petitioners, it was not made clear that this was applicable only with respect to e-vehicle charging stations.

5. Aggrieved by the above notification, the petitioners have filed an appeal before the first respondent on 11.01.2020. Since it did not evoke any response, there was yet another appeal filed by the petitioners on 10.02.2020 and 23.09.2020 and these appeals are pending on the file of the first respondent.

6. The TANGEDCO taking advantage of notification No.53 dated 08.02.2019 filed a petition before the second respondent in M.P.No.22/2020 and prayed for orders to fix the harmonic compensation charges even for consumers falling under 11 and 22 KV supply lines. The petitioners filed their objections and requested the second respondent to keep the petitions filed by TANGEDCO in abeyance pending the final orders in the appeal before the first respondent. Since the petitioners apprehended that the second respondent will proceed to pass orders in the petition without waiting for the final orders in the appeal, the present writ petitions have been filed before this Court seeking for appropriate directions.

7. When these matters came up for admission, this Court directed the learned counsel for the first respondent to take instructions and report before this Court with regard to the appeal filed by the petitioners association. This Court also orally requested the learned standing counsel appearing on



behalf of the second respondent to instruct the commission to keep the proceedings in abeyance without passing final orders.

8. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the first respondent, on instructions, submitted that the appeal is pending before the first respondent and the same will be disposed of within the time limit fixed by this Court.

9. The learned counsel for the petitioner submitted that the petitioner association will also file consolidated submissions before the first respondent to enable the first respondent to take a decision in the appeal.

10. Taking into consideration the facts and circumstances of the case and in view of the fact that the appeal is pending before the first respondent and the first respondent has to pass orders on the same before the second respondent takes any decision on the petition filed by the TANGEDCO, there shall be a direction to the first respondent to pass final orders in the appeal filed by the petitioner on 11.01.2020, 10.02.2020 and 23.09.2020 on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till final orders are passed in the appeal by the first respondent, the second respondent namely, the Commission shall keep the proceedings pending in M.P.No.22/2020.

11. The petitioner association is directed to file consolidated submission before the first respondent along with a copy of the appeal filed on 11.01.2020, 10.02.2020 and 23.09.2020 accompanied with all the relevant documents and also a copy of this order.

12. This writ petitions are disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

RR



To

1. Central Electricity Authority
Sewa Bhawan, R.K.Puram
Sector 1
New Delhi 110066
represented by its Secretary

2. The Tamil Nadu Electricity Regulatory Commission,
4th floor, SIDCO Corporate Office Building,
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represented by its Secretary

3. The Chief Engineer (Commercial)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
144 Anna Salai
Chennai 2

+2CCs to M/s.R.S.Pandiyaraj, Advocate, SR.No.45437
+1CC to M/s.Abdul Saleem, Advocate, SR.No.46047
+1CC to Mr.L.Jai Venkatesh, Advocate, SR.No.45691
+1CC to Mr.V.Ashok Kumar, Advocate, SR.No.46055

W.P.No.18128 and 18139 of 2021

RR(CO)
B.VC (29/09/2021)