



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 24724 of 2021

and

W.M.P.Nos.26009,26010 &26095 of 2021

1. M/s.Pioneer Spinners
Unit of the National Textile corporation Limited
Kamuthakudi
Kamuthakudi Paramakudi 623 707
Ramanathapuram
District

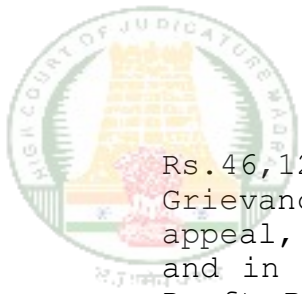
....Petitioner

Vs

- 1 Tamil Nadu Electricity Ombudsman,
4th Floor SIDCO Corporate office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai 600 032.
- 2 Tamil Nadu Generation and Distribution
Corproation Limited (TANGEDCO)
Represented by its Chairman and Managing Director
10th Floor, 144, Anna Salai,
Chennai- 600 002.
- 3 Consumer Grievance Redressal Forum
Represented by its Chairman,
Ramnad EDC, TANGEDCO
Ramanathapuram - 623 501
- 4 Superintending Engineer,
Ramnad EDC, TANGEDCO,
Ramanathapuram 623 503.

....Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of CERTIORARIFIED MANDAMUS calling for the records of the Impugned Letter bearing No.TNEO/F.OMB.GEN.C.NO.343/D.No:187/2021 dated 22.06.2021 issued by 1st Respondent as arbitrary quash the same and consequently directing the 1st Respondent Ombudsman to register and hear the Appeal No. 04-01/2021 filed by the petitioner on merits without insisting on the deposit of



Rs.46,12,111/- being 25% of the charges ordered by the Consumer Grievance Redressal Forum as a pre-condition to hearing the appeal, in view of the special circumstances of the petitioner and in view of the fact that the Hon'ble TNERC has notified new Draft Regulations for measurement and levy of harmonic charges in line with the CEA Regulations, 2007 which once implemented alone will result in appropriate standards for measurement.

For Petitioner : Mr. Rahul balaji
For Respondents : Mr. Abul Kalam
(Senior Counsel for EB)

O R D E R

This writ petition has been filed for issuance of Writ of CERTIORARIFIED MANDAMUS calling for the records of the Impugned Letter bearing No.TNEO/F.OMB.GEN.C.NO.343/D.No: 187/2021 dated 22.06.2021 issued by 1st Respondent as arbitrary quash the same and consequently directing the 1st Respondent Ombudsman to register and hear the Appeal No. 04-01/2021 filed by the petitioner on merits without insisting on the deposit of Rs.46,12,111/- being 25% of the charges ordered by the Consumer Grievance Redressal Forum as a pre-condition to hearing the appeal, in view of the special circumstances of the petitioner and in view of the fact that the Hon'ble TNERC has notified new Draft Regulations for measurement and levy of harmonic charges in line with the CEA Regulations, 2007 which once implemented alone will result in appropriate standards for measurement.

2.The case of the petitioner is that the petitioner is a unit of National Textile Corporation Limited, a public sector enterprise, under the Ministry of Textiles, Government of India. The petitioner unit is a Sick unit and further the petitioner was imposed harmonic compensation charges at 15% of the respective tariff from the High Tension Industrial Consumers (HT-I) and High Tension Commercial Consumers (HT-III), who operate at a voltage level of below 33kv, namely, 11kv/22kv supply lines. For which, the respondent Electricity Board initiated a penalty proceedings and imposed a penalty of Rs.1,84,49,644/-. Challenging the said penalty, the petitioner filed an application before the CONSUMER GREIVANCE REDRESSAL FORUM(CGRF) (3rd respondent herein). However, such application was dismissed by the 3rd respondent on 09.02.2021. As against the Impugned order, the petitioner filed an appeal before the 1st respondent to register and hear the appeal No.04-01/202. However, the petitioner was directed to deposit on merits



without insisting on the deposit of Rs.46,12,111/- (being 25% of the charges ordered by the CGRF) as a pre-condition. Further the petitioner unit is a sick unit, as against the pre-condition the present writ petition is filed.

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2. Mr. Rahul Balaji, learned counsel appearing for the petitioner submits that the petitioner is a unit of National Textile Corporation Limited, a public sector enterprise, under the Ministry of Textiles, Government of India and the petitioner company is a sick industrial company and he is not able to generate the amount demanded by the respondent authority as a pre-condition deposit. However on instructions submits that the petitioner is ready to deposit Rs.25 lakhs for hearing the appeal on merits. Accordingly, pray for appropriate orders.

3. Mr. Abul Kalam, learned special counsel for Electricity Board appearing takes notice for the respondents and submits that already the penalty proceedings were registered against the petitioner and directed the petitioner to remit an amount of Rs.1,84,49,644/- as harmonics charges. Unless the pre-condition amount is deposited, he is not entitled to hear the case. Accordingly, he pray for dismissal of writ petition.

4. Heard the learned counsel for the petitioner and learned counsel for respondents and perused the materials placed on record.

5. The fact in the present case is not in dispute. Considering the facts and circumstances of the case, the petitioner is directed to deposit Rs.25 lakhs as pre-condition amount and on such deposit, the first respondent is directed to hear the appeal within a period of two weeks and dispose of the same within twelve weeks thereafter.

6. Accordingly, this Writ Petition is disposed of and the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sma



To:

1. Tamil Nadu Electricity Ombudsman,
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Ramnad EDC, TANGEDCO
Ramanathapuram - 623 501
4. Superintending Engineer,
Ramnad EDC, TANGEDCO,
Ramanathapuram 623 503.

+lcc to M/s.R.Parthasarathy, Advocate, S.R.No.59843

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and
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PMK(CO)
SU(14/12/2021)