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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.15104 OF 2017

AND

W.M.P.NOS.16374 & 16375 OF 2017

Vaigai Flour Mill,
HTSC 33, No.35-A,
Palam Station Road,
Sallur, Madurai,
Rep. by its Manager,
T.Habeeb Mohammad

... Petitioner

.Vs.

1. The TANGEDCO,
Rep. by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Madurai Metro Electricity Distribution Circle,
K.Pudur, Madurai - 600 007.
4. The Central Electricity Authority,
Rep. by its Chairperson,
6th Floor, Sewa Bhawan,
R.K.Puram,
New Delhi - 110 066.
5. The Tamil Nadu Electricity Regulatory Commission,
Rep. by its Secretary,
19-A, Rukmini Laskhmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008.

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent's impugned Circular bearing No.CFC/FC/REV/AAO/HT/D.673/2014 dated 05.11.2014 in so far as the petitioner is concern and the consequential Demand notice Lr. No.SE/MEDC/Metro/MDU/DFC/AO/Rev./AS/HT/F.Hor/D.No.35/17 dated 12.05.2017 issued by the 3rd respondent towards levy of Harmonic compensation charges and to 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 forbearing the 1st and 2nd respondent from in any manner levying, demanding and/or collecting surcharges for not providing the harmonic controls from the Petitioner who is connected with 22 KV supply line.

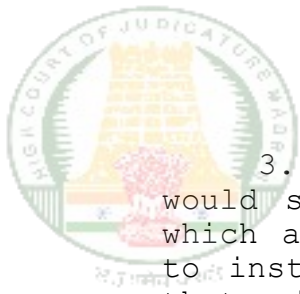
For Petitioner : Mr.S.P.Parthasarathy

For R1 to 4 : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

The challenge in this Writ Petition is to the notice, dated 12.05.2017, issued by the third respondent towards the levy of harmonic compensation charges and to quash the same as illegal, arbitrary, and against the regulation 2007 framed by the third respondent and consequently, forbearing the 1st the 2nd respondent from in any manner levying, demanding and collecting surcharges for not providing the harmonic controls from the petitioner, who is connected with 22 KV supply line.

2. The learned counsel appearing for the petitioner submitted that, as per CEA Regulations, the Industries, which are connected to the power supply of 33 KV and above, are required to install the equipment, Harmonic Filters and since the petitioner-Industry has been connected only to the power supply of 22 KV, there is no need for the petitioner-Industry to install the harmonic filters. Further, the learned counsel submits that the issued involved in the present case is covered by a decision of this Court, in a batch of Writ Petitions, in W.P.Nos.25, 1900 to 1903, 2015, dated 05.06.2017 and he also produced the copy of the said order for reference of this Court.



3. The learned Standing Counsel for respondent-TANGEDCO would submit that as per the CEA Regulation, the Industries, which are connected to the supply of 33 KV and above are bound to install the Harmonic Filters. However, he fairly admitted that since the petitioner-Industry is connected only to the power supply of 22 KV, but not connected to harmonic filters.

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

5. At this stage, it is beneficial to refer to Part IV of the CEA Regulations, which is reproduced as here under:-

"Clarification w.r.t. Part IV of CEA Regulations-Applicability;

"This has reference to the Part IV of the CEA (Technical Standards for connectivity to the Grid) Regulations, 2007. It is clarified that :-

(i) The condition of voltage and current harmonic as prescribed under Part IV is applicable only to the contention of the consumers, which are identified as bulk consumers and drawing power at 33 kv and above.

(ii) For the purpose of bulk consumer means a consumer, who avails supply at voltage of 33 kv or above.

Therefore, Part IV of CEA Regulations is applicable only to consumers drawing power at 33 KV or above and any consumer, who is drawing power below 33 KV shall not be covered under Part IV of CEA (A (Technical Standards for connectivity to the Grid) Regulations, 2007). "

5.1 Thus, in view of the fact that the respondent-TANGEDCO themselves have admitted that the petitioner-Industry is connected only to 22kv power supply, and as per the clarification issued to Part IV of CEA Regulations, there is no necessity for the petitioner to install Harmonic Filters, in their Industry, as they are connected to 22 KV and taking into consideration of the fact that the issue involved in this Writ Petition is covered by the decision rendered by this Court, in W.P. No.25, 1900 to 1903 of 2015, dated 05.06.2017, this Court is of the view that the impugned order passed by the respondent-TANGEDCO is not sustainable and liable to be quashed.



6. In the result, the Writ Petition is allowed and the impugned order is set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sp/jd

To

1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
Madurai Metro Electricity Distribution Circle,
K.Pudur, Madurai - 600 007.
4. The Chairperson,
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6th Floor, Sewa Bhawan,
R.K.Puram,
New Delhi - 110 066.
5. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Laskhmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008.

+1cc to Mr.R.S.Pandiyaraj, Advocate, S.R.No.64642

W.P.NO.15104 OF 2017

KSM(CO)
PBS/21/12/2021