



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.16299 OF 2017

AND

W.M.P.NO.17630 OF 2017

M/s. Tinna Rubber & Infrastructure Ltd.,
H.T.Sc.No.2013,
No.17, Chithurnatham Village,
Equvarpalem, Gummipoondi, PIN - 601 206,
rep. by its Manager, Mr.V.Srinivas Roa.

...Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Chennai Electricity Distribution Circle/North
TANGEDCO, 144, Anna Salai,
Chennai- 600 002.

3.The Central Electricity Authority (CEA)
rep. by its Chairman,
6th Floor, Selva Bhawan,
R.K.Puram, New Delhi - 110 066.

4.The Tamil Nadu Electricity Regulatory Commission,
(TNERC), rep. by its Secretary,
19 A, Rukmani Lakshmipathy Salai,
Egmore, Chennai- 600 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records, pertaining to the impugned demand notice, in Lr.No.SE/CEDC/N/DFC/N/ HT/A.1/F.2013/D282/2017, dated 01.06.2017, issued by the second respondent, culminating in the impugned demand of a sum of Rs.47,25,276/- towards the short levy of harmonic charges and to quash the same as illegal, arbitrary, and against the regulation 2007 framed by the third respondent.



For Petitioner : Mr.K.Seshadri
For Respondents 1 to 3 : Mr.L.Jai Venkatesh
Standing Counsel

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O R D E R

The challenge in this Writ Petition is to the notice, dated 01.06.2017, issued by the second respondent, culminating in the demand of a sum of Rs.47,25,276/- towards the short levy of harmonic charges and to quash the same as illegal, arbitrary, and against the regulation 2007 framed by the third respondent.

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 11 KV, there is no need for the petitioner-Industry to install the harmonic filters. Further, the learned counsel submits 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, she fairly admitted that since the petitioner- Industry is connected only to the power supply of 11KV, 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 :-

(ii) 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



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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 11kv 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 11 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 Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.
- 2.The Superintending Engineer,
Chennai Electricity Distribution Circle/North
TANGEDCO, 144, Anna Salai, Chennai- 600 002.
- 3.The Chairman,
The Central Electricity Authority (CEA)
6th Floor, Selva Bhawan,
R.K.Puram, New Delhi - 110 066.



4.The Secretary,
The Tamil Nadu Electricity Regulatory Commission (TNERC),
19 A, Rukmani Lakshmipathy Salai,
Egmore, Chennai- 600 008.

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+1cc to Mr.K.Seshadri, Advocate SR.No.63164

W.P.No.16299 of 2017

PMK (CO)
RVM(21/12/2021)