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W.P.No.1062 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.1062 of 2015
&
M.P.Nos.1 and 2 of 2015

M/s. Sakthi Steel Industries Ltd
H.T.SC.No.286
Amaravathipattinam Village
Nelvoy-Thirumukkudal Road
Uthiramerur Taluk
Kancheepuram District
Rep by its Director's V.Vaigunthan

... Petitioner

Vs.

1.The Chairman and Managing Director
TANGEDCO
144, Anna Salai
Chennai-600 002

2.The Superintending Engineer
Kancheepuram Electricity Distribution Circle
TANGEDCO
Kancheepuram

3.The Deputy Financial Controller
TANGEDCO
Kancheepuram Electricity Distribution Circle
Kancheepuram

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Certiorarified mandamus calling for the records of the 3rd respondent in bill No.286 dated 02.01.2015 containing item No.14 demanding a sum of Rs.90,39,748/- as other adjustment charges and quash the same as illegal, arbitrary and untenable under law and consequently direct the respondents to retest the meter as requested by the petitioner on 09.10.2014 and 05.12.2014.

For Petitioner : Mr.S.P.Parthasarathy
for
Mr.K.Seshadri

For Respondents : Mr.L.Jai Venkatesh, Standing counsel

ORDER

Petitioner industry is involved in the manufacture of M.S.Billets and they granted H.T.Sc.No.286 having 33 KV. As per the Regulation of Electricity authorities every company service connection exceeding a load has to install the Harmonic equipments. Whereas at the instance of the 2nd AEE/MRT/KAncheepuram and AEE/O&M/Uhtiramerur inspected the service and recorded as if there is excess Harmonic distortion in voltage and current Harmonic distortion.



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2. After such inspection, the petitioner also requested M/s. E.Services to install the Harmonic filter. The company as of 27.09.2017 found that the Harmonic levels are within the parameters prescribed by the CEA (Technical Standards for Connectivity to the Grid) Regulations 2007. When the matter stood thus, writ petitioner also requested the 2nd respondent to send R& D team of the TANGEDCO for taking the Harmonic measurement after the withdrawal of strike by the labourers in the factory. However, the 2nd respondent has raised the impugned demand on 02.01.2015 for Rs.90,39,748/- in item 14 Add/Less adjustment charge in Gill No.286. Challenging the same, the Writ Petition is filed.

3. The main contention of the learned counsel for the petitioner is that as per the regulation issued by TNERC the tariff schedule 6.ii clearly stipulate that measurement of harmonics shall be done by the Distribution Licensee using standard meters/equipment in the presence of consumers or their representatives. The TANGEDCO shall give three months clear notice to all consumers under these categories stating that they shall pay 15% compensation charges if the harmonics introduced by their load is not within the limits set by CEA. The TANGEDCO shall implement the compensation



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provision after three months period from the date of measurement if the harmonics measured is more than the permissible limits.

4. According to the learned counsel for the petitioner no such notice as contemplated under the schedule has been issued. On the other hand impugned demand was issued without giving a mandatory notice. Hence, seeks to set aside the order.

5. Learned Standing counsel appearing for the respondents would submit that matter may be remanded to the respondents to fix the amount as per tariff schedule. As the issue is narrowed down. The only issue to be answered in the Writ Petition is whether the proper notice as mandated in the tariff schedule is given before raising the demand. It is relevant to extract the tariff schedule 6.ii.

“6.ii. Harmonics: As specified in the Supply Code, when the consumer fails to provide adequate harmonic filtering equipment to avoid dumping of harmonics into Licensee's network beyond the permissible limits as specified by CEA regulations, the consumer is liable to pay compensation at 15% of the respective tariff. As and when the consumer brings down the harmonics within the limit,



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compensation charges shall be withdrawn. The measurement of harmonics shall be done by the Distribution Licensee using standard meters/equipment in the presence of consumers or their representatives. The TANGEDCO shall give three months clear notice to all consumers under these categories stating that they shall pay 15% compensation charges if the harmonics introduced by their load is not within the limits set by CEA. The TANGEDCO shall implement the compensation provision after three months period from the date of measurement if the harmonics measured is more than the permissible limits.”

6. On a careful perusal of the above, three months notice is to be issued. There is no materials available on record to show such notice has been issued and procedure has been followed. In such view of the matter when the mandatory rules are flouted and not followed such demand cannot be sustained in the eye of law. Accordingly, the same is set aside, the matter is remitted back to the respondents to reconsider in the light of the regulations in the tariff schedule and pass fresh orders within a period of three months after giving proper opportunity to the petitioner.



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7. With the above directions, the Writ Petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

19.10.2022

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Internet: Yes

Speaking/Non speaking order

To

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