



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. NO.1063 OF 2015

AND

M.P.NOS. 2 AND 3 OF 2015

Sundram Fasteners India (P) Limited,
rep by its Chief Financial Officer & Company Secretary,
SEZ Unit, Plot No.AA1, Central Avenue,
Auto Ancillary SEZ,
Mahindra World City,
Kancheepuram-603 002.
Having registered office at:
No.98-A, VII Floor, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

...Petitioner

Vs.

1. The TANGEDCO,
represented by its Chairman,
No.800, Anna Salai,
Chennai-600 002.
2. The Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
Chengalpattu.
3. Deputy Financial Controller,
Chengalpattu Electricity Distribution Circle,
Chengalpattu.
4. Central Electricity Authority,
represented by its Chairperson,
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi-110 066.

...Respondents

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 issuing the High Tension Bill dated 7.01.2015 issued for the petitioners HT



SC No.548 and quash the same in so far as it levies a sum of Rs.8,84,230/- towards harmonics compensation charges and covered in Serial No.14 of the said Bill and consequently direct the respondents to carry out an inspection of the factory of the petitioner to ascertain the levels of harmonics dumping and impose any charges in respect of Harmonic dumping strictly in accordance with law and only in the event of the petitioner failing to achieve the necessary limits on or after the date available to it to achieve such harmonics control i.e. 15.3.2015.

For Petitioner : Mr.R.Parthasarathy

For R1 to R3 : Ms.Revathy
for Mr.Jai Venkatesh
Standing Counsel

For R4 : Mr.V.Venkatesan
SCGSC

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorariafied Mandamus, to call for the records of the 3rd respondent in issuing the High Tension Bill, dated 7.01.2015, issued for the petitioner's HT SC No.548 and quash the same in so far as it levies a sum of Rs.8,84,230/- towards harmonics compensation charges and covered in Serial No.14 of the said Bill and consequently direct the respondents to carry out an inspection of the factory of the petitioner to ascertain the levels of harmonics dumping and impose any charges in respect of Harmonic dumping strictly in accordance with law and only in the event of the petitioner failing to achieve the necessary limits on or after the date available to it to achieve such harmonics control i.e. 15.3.2015.

2. The petitioner is a consumer of High-Tension electricity under the respondents. In terms of the tariff order passed by the Tamil Nadu Electricity Commission (TNERC), the Industries/Companies, which are connected to the power supply of 33kv and above, the consumers are required to install "Harmonic Filters". The Central Electricity Authority has notified Technical Standards for Connectivity to the Grid Regulations, 2007. One of the aspects that these Regulations dealt with is the issue of imposing obligations to install harmonics control equipments, with a view to improve the quality of power supply and reduce harmonic component that exists in a power system.



3. There was an inspection carried out in the petitioner premises by the 1st respondent to verify harmonics, on 08.12.2014. During the course of investigation, it was found that the harmonic level was in excess of the prescribed limit. The petitioner was thus served with a notice dated 16.12.2014, whereby the petitioner was called upon to bring down the harmonic level within the prescribed limit. Importantly Tariff Order No.1 of 2013 vide Clause 6.1 provides that TANGEDCO shall give 3 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.

4. It is submitted by the learned counsel for the petitioner that notice having been issued on 16.12.2014, the 3 months period would expire on 16.03.2015, whereas the filters and equipments was installed as early as 12.01.2015 i.e., well within the 3 months period. In view of the same, the first respondent had erred in passing the impugned order dated 06.01.2015, even before the 3 months period prescribed under Clause 6.1 was expired.

5. In view of the same, the impugned order passed by the 1st respondent is set aside as being contrary to Clause 6.1 of Tariff Order No.1 of 2013. It is further submitted by the learned counsel for the petitioner that the above issue already stands covered by a number of orders by this Court, one such order is referred in W.P.No.2513 of 2015, dated 17.03.2022.

6. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Psa

To:

1. The Chairman,
TANGEDCO, No.800, Anna Salai, Chennai-600 002.



2. The Superintending Engineer,
Chengalpattu Electricity Distribution Circle, Chengalpattu.

3. The Deputy Financial Controller,
Chengalpattu Electricity Distribution Circle, Chengalpattu.

4. The Chairperson, Central Electricity Authority,
6th Floor, Sewa Bhawan, R.K.Puram, New Delhi-110 066.

+1cc to Mr.R.Parthasarathy, Advocate, S.R.No.36676

W.P. No.1063 of 2015

PM(CO)
PM/01/07/2022