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W.P.Nos.2630, 2631 & 2632 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.12.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.2630, 2631 & 2632 of 2015
and M.P.Nos.1, 1, 1, 2, 2 and 2 of 2015

M/s.Sri Vinayaga Alloys (P) Ltd.,
H.T. Sc.No.119,
Salem Road, Akkammampet P.O.,
Sankari Taluk,
Salem District 637 301
Rep. by its Managing Director,
T.Sundanthirarajan

... Petitioner in WP.No.2630 of 2015

M/s.Sri Vigneswara Steels (P) Ltd.,
H.T. Sc.No.135,
Akkammampet, Sankari (P.O.),
Salem District 637 301
Rep. by its Managing Director,
C.Marappan

... Petitioner in WP.No.2631 of 2015

M/s.Krishna Alloys,
H.T. Sc.No.110,
262/1B-3, Manjakkalpatty Village,
Akkammampet P.O., Sankari Taluk,
Salem District 637 301
Rep. by its Partner,
N.Anbalagan

... Petitioner in WP.No.2632 of 2015

Vs



W.P.Nos.2630, 2631 & 2632 of 2015

1. Tamil Nadu Generation and Distribution

Corporation Limited (TANGEDCO),

Represented by its Chairman and Managing Director,

144, Anna Salai, Chennai - 600 002.

2. The Superintending Engineer,

TANGEDCO,

Mettur Electricity Distribution Circle,

Mettur Dam - 636 401.

3. Central Electricity Authority (CEA),

Represented by its Chairperson,

6th Floor, Sewa Bhawan, R.K.Puram,

New Delhi - 110 066.

4. Tamil Nadu Electricity,

Regulatory Commission (TNERC),

Represented by its Secretary,

19-A, Rukmini Lakshmipathy Salai (Marshall's Road),

Egmore, Chennai-600 008.

... Respondents in all WPs

PRAYER in W.P.No.2630 of 2015: 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 2nd Respondent culminating in the impugned letter bearing Lr.No.SEM/AEEDEV/AEGL/F.Harmonics/D.No.126-3/2014 dated 28.01.2015 and quash the same and forbear the 1st and 2nd Respondents, their men, officers, agents, servants, representatives and/or any one claiming through or under them and/or any other person from in any manner insisting on harmonic control and levying, demanding and/or collecting charges and compensation for harmonics dumping from the Petitioner for their HT SC No.119 either through the CC Bills or in any other manner who is connected with 11 KV supply line.



W.P.Nos.2630, 2631 & 2632 of 2015

PRAYER in W.P.No.2631 of 2015: 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 2nd Respondent culminating in the impugned letter bearing Lr.No.SEM/AEEDEV/AEGL/F.Harmonics/D.No.126-3/2014 dated 28.01.2015 and quash the same and forbear the 1st and 2nd Respondents, their men, officers, agents, servants, representatives and/or any one claiming through or under them and/or any other person from in any manner insisting on harmonic control and levying, demanding and/or collecting charges and compensation for harmonics dumping from the Petitioner for their HT SC No.135 either through the CC Bills or in any other manner who is connected with 11 KV supply line.

PRAYER in W.P.No.2632 of 2015: 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 2nd Respondent culminating in the impugned letter bearing Lr.No.SEM/AEEDEV/AEGL/F.Harmonics/D.No.126-3/2014 dated 28.01.2015 and quash the same and forbear the 1st and 2nd Respondents, their men, officers, agents, servants, representatives and/or any one claiming through or under them and/or any other person from in any manner insisting on harmonic control and levying, demanding and/or collecting charges and compensation for harmonics dumping from the Petitioner for their HT SC No.110 either through the CC Bills or in any other manner who is connected with 11 KV supply line.

(In all WPs)

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

For Respondents : Mr.I.Syed Sitghatulla
Standing Counsel



W.P.Nos.2630, 2631 & 2632 of 2015

COMMON ORDER

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Both learned counsel Mr.S.Parthasarathy, learned counsel appearing for Mr.K.Seshadri, learned counsel for the petitioner and Mr.I.SyedSibghatulla, learned standing counsel for the respondents/TANGEDCO and its officials would agree upon the position that the issue that arises in these Writ Petitions, being challenge to letters issued on various dates calling upon the petitioners to install harmonic equipment, is covered by a decision of this Court in W.P.Nos.25 of 2015 etc. batch dated 05.06.2017 that has been followed consistently by this Court subsequently as well.

2. The petitioners seek a direction as well to the respondents to desist from levying, demanding or collecting harmonic control charges or compensation for harmonics dumping in respect of their HT connections.

3. The aforesaid batch of Writ Petitions was decided in favour of the consumers/petitioners therein referring to a clarification issued by Central Electricity Authority in terms of Part IV of CEA Regulations, reading as follows:

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:-



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(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)."

4. In light of the above clarification that the levy in question would apply only to consumers drawing power at 33 KV or above and any consumer who is drawing power below 33 KV would not be covered under Part IV of CEA (Technical Standards for connectivity to the Grid) Regulations, 2007, the prayer of the petitioners is liable to be accepted and I do so.

5. The impugned orders are set aside and these Writ Petitions are allowed.

No costs. Connected Miscellaneous Petitions are closed.

22.12.2022

Index : Yes / No
Speaking Order
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Dr.ANITA SUMANTH,J.

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To

- 1.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Represented by its Chairman and Managing Director,
144, Anna Salai, Chennai - 600 002.
- 2.The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur Dam - 636 401.
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Represented by its Chairperson,
6th Floor, Sewa Bhawan, R.K.Puram,
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