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W.P.No.3282 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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The Honourable **Mr.Justice N.Sathish Kumar**

W.P.No.3282 of 2015

Tehnocast Foundry, HTSC No.452
S.F.No.127/3B, Sanathipalayam road
Arasur Coimbatore 641407
repd. its Manager V.Jayakumar

... Petitioner

Vs.

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
Coimbatore Electricity Distribution Circle / South
Combatores 641012

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 Laskhmipathy Salai, (Marshall's Road),
Egmore, Chennai – 600 008.

... Respondents



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PRAYER: Writ Petition filed under Article 206 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent culminating in the impugned letter bearing No.Lr.No.SE/CEDC/S/AEE.GI/AEG2/F Harmonics / D.No.2637/14 dated 06.12.2014, 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 HTSC No.452 either through the CC Bills or in any other manner who is connected with 11 KV supply line.

For Petitioner : M/S.R.S.Pandiyaraj

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

ORDER

The challenge in this Writ Petition is to the notice, dated 23.05.2017, issued by the second respondent towards the levy of harmonic compensation charges and to quash the same as illegal, arbitrary, and against the regulation 2007 framed by the second respondent and consequently, forbearing the 2nd respondent from in any manner levying, demanding and collecting surcharges for not providing the harmonic controls from the



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petitioner, who is connected with 11 KV supply line.

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2.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 that the issue 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 of 2015 etc. batch dated 05.06.2017 and he has also produced a copy of the said order for the reference of this Court.

3.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 11 KV, but not connected to harmonic filters.



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4. Heard the learned counsel for the petitioner and the respondents 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



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11 KV 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 etc. batch, 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, the connected Miscellaneous if any stands closed.

22.11.2022
(3/3)

kas

Index : yes/no
Internet : yes/no
Speaking Order/Non speaking order

N.SATHISH KUMAR, J.,

kas

To.

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- 1.The Chairman and Managing Director
TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED (TANGEDCO),
144, Anna Salai, Chennai 600 002
- 2.THE SUPERINTENDING ENGINEER TANGEDCO
Coimbatore Electricity Distribution Circle South
Coimbatore 641012
- 3.The Chairperson
CENTRAL ELECTRICITY AUTHORITY (CEA)
6th Floor, Sewa Bhawan, R.K.Puram, New Delhi – 110 066.
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