



W.P.No.28837 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.28837 of 2016

and

W.M.P.No.24906 of 2016

M/s. Tab India Granites P Ltd.,
HTSC No.287,
S.F.No.70/5&6, N.H.7,
Nallaganakothapally Village,
Krishnagiri District, Koneripalli P.O,
Hosur – 635 117,
Rep. By its Authorized Signatory Hanamanth R.Dolli

...Petitioner

Vs.

1.The TANGEDCO,
Rep. By its Chairman,
No.800, Anna Salai,
Chennai – 600 002.

2.The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
TANGEDCO, Krishnagiri – 2.

3.Tamil Nadu Electricity Regulatory Commission (TNERC),
Represented by its Secretary,
9-A, Rukmini Lakshmipathy Salai (Marshall's Road),
Egmore, Chennai – 600 008.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent's impugned demand notice bearing Lr.No.SE/KEDC/KGI/DFC/AO/AAO-HT/AS/RCS-HT/F.Harmonics/D.192/2016 dated 12.01.2016, quash the same as illegal, arbitrary, without the authority of law and against Tariff Order dated 20.06.2013 issued by the 3rd respondent.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondent : Ms.V.Revathy for

Mr.M.Abul Kalam

Standing Counsel for TANGEDCO

ORDER

Challenge in this Writ Petition is to the demand of harmonics compensation charges made by the TANGEDCO on the petitioner, claiming that the dumping of harmonics exceeded the limits specified by the Central Electricity Authority (CEA).

2.The petitioner is a High Tension consumer with 33 KV supply line. On 17.12.2014, an inspection was made by the TANGEDCO and it was found that the total current harmonic distortion to be 9.532%, which



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was above the permitted limit of 8%. Therefore, by letter dated 22.12.2014, the petitioner was required to provide adequate harmonics suppression equipment to bring down the dumping of harmonics within the allowable limit. The petitioner had installed equipments to bring down the harmonics dumping on 16.02.2015 and a report was given by the Vendor, Schneider Electrics, after testing the equipment that was installed, to the effect that the harmonics dumping is less than the limit allowed by the Central Electricity Authority.

3. However, the respondents did not re-inspect the premises of the petitioner within the three months time. The petitioner, by its letter dated 29.07.2015 requested the respondents to measure field harmonics at the site. Subsequently, a re-inspection was done on 18.08.2015 by the TANGEDCO and it was found that the level of harmonic distortion is within the allowable limits. The 2nd respondent however, slapped the impugned demand dated 12.01.2016, on the petitioner for the period between the 1st inspection dated 17.12.2014 and the 2nd inspection dated 18.08.2015. The regulations of the TNERC required the respondent to grant three months time for every



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consumer to bring down the harmonics distortion.

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4.If the TANGEDCO is to inspect the facility of the petitioner and find that there has been an excess dumping of harmonics, it should require the unit to bring it down to the allowable limits within the three months. In the notice issued to the petitioner immediately after the 1st inspection, a clear demand has been made on the petitioner on 22.12.2014 to bring down the harmonics within a permissible level within a period of three months. That would essentially indicate a duty is go upon the respondent, to re-inspect within the period of three months.

5.If the respondent do not re-inspect, they cannot fault the petitioner or mulct the petitioner with compensation charges more so, when the petitioner had installed the required equipment to reduce the level of harmonics dumping and the Vendor has tested the facility of the petitioner and concluded that the level of harmonics dumping is within the allowable limits. The non-inspection is the fault of the respondent and it cannot switch the liability to the petitioner because of its inaction. The above view of mine



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is supported by the judgments of this Court in W.P.No.23232 of 2016 dated

13.07.2016 and W.P.No.23736 of 2018 dated 06.12.2021.

6.In view of the above, this Writ Petition will stand allowed and the demand issued will stand set aside. No costs. Consequently, connected miscellaneous petition is closed.

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Index: No

Internet: Yes

Speaking

To:-

- 1.The Chairman, TANGEDCO,
No.800, Anna Salai,
Chennai – 600 002.
- 2.The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
TANGEDCO, Krishnagiri – 2.
- 3.The Secretary,
Tamil Nadu Electricity Regulatory Commission (TNERC),
9-A, Rukmini Lakshmi pathy Salai (Marshall's Road),
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