



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No. 22318 of 2014

Shree Sai Hanuman Smelters Pvt. Ltd.,
B1, Thai Apartment,
618, T.H.Road, Tondiarpet,
Chennai - 600 081.

...Petitioner

Vs.

1. The TANGEDCO,
Rep. By its Chairman,
No.800, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
144, Anna Salai, CEDC/North,
Chennai - 600 002.
3. The Accounts Officer,
CEDC/North, Chennai - 600 002.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent comprised in its impugned high tension bill dated 31.07.2014 for its HT SC No.1964 and to quash the same in so far as the charges of Rs.18,79,968 /- levied as harmonic penalty charges for the period between 03.07.2014 and 28.07.2014 under the head of 'Adjustment Charge' are concerned; and consequently direct the respondents to carry out an inspection of the factory of the petitioner to ascertain the levels of harmonic 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., 06.09.2014.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.L.Jai Venkatesh



O R D E R

This writ petition is filed challenging the impugned High Tension Bill dated 31.07.2014 for its service connection in HT.SC.No.1964.

2.The petitioner is the consumer of High Tension electricity under the respondents. In terms of the tariff order passed by the Tamilnadu Electricity Regulatory Commission (TNERC), the Industries / Companies, which are connected to the power supply of 33kv and above, the consumers are required to install "Harmonic Filters", for which purpose, the respondent -TANGEDCO conducted an inspection in the petitioner's firm on 03.04.2014. A report was submitted finding that the current harmonic distortion during the relevant period is more than the limit prescribed by CEA. Therefore, by letter dated 02.06.2014, the petitioner was directed to limit the harmonics within the permissible limit by taking necessary measures within three months, failing which, compensation charges at the rate of 15% of tariff rate will be levied from 03.07.2014.

3.The learned counsel for the petitioner would submit that the petitioner firm has taken action and fixed the harmonic filter within the permissible limit and it was tested by R&D wherein, on 22.08.2014, they also given a report that the petitioner has complied with the requirements as per the rules even before three months granted for fixing the harmonic filter. Though the petitioner has complied with the requirements within three months, the respondent by impugned notice dated 31.07.2014 had imposed penalty of Rs.18,79,968/-. The said impugned notice is under challenge in the present writ petition.

4.According to the learned counsel for the petitioner, the demand made by the respondents even before the expiry of three months as contemplated by respondents is illegal and violation of statutory provisions. In the similar circumstances, this Court in WP.No.23736 of 2018 quashed the demand made by the respondents within a period of three months. The present writ petition is squarely covered with the issue relating to the said writ petition, as the respondents have issued the impugned notice without waiting for three months period as contemplated in the rules. As per the notice issued on 02.06.2014 for fixing the harmonic filters, three months period expires on 02.09.2014. The petitioner has rectified the deficiency and fixed the harmonic filter even within the three months period and the inspection report was also submitted by the respondent, even on 22.08.2014.

5.In such circumstances, the notice issued by the



petitioner is pre-mature and violate the Electricity rules. Hence, this Court is inclined to set aside the impugned notice. Accordingly, this writ petition is allowed and the impugned notice is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To:-

1. The TANGEDCO,
Rep. By its Chairman,
No.800, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
144, Anna Salai, CEDC/North,
Chennai - 600 002.
3. The Accounts Officer,
CEDC/North, Chennai - 600 002.

+1cc to M/s.R.Partha Sarathy, Advocate, S.R.No.8570

W.P.No. 22318 of 2014

PL(CO)
SU(01/03/2022)