

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.3162 of 2017
and
W.M.P.Nos.3094 to 3096 of 2017

M/s.Daesung Electric India P Ltd.,
HTSC No.237
No.118, Pudur Village,
Thiruvallur - 631 210.
Rep. by its Executive Director Pillso Lim

... Petitioner

vs.

1. The TANGEDCO,
Rep. by its Chairman,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
TANGEDCO, Kancheepuram - 631 502.
4. The Deputy Financial Controller,
Kancheepuram Electricity Distribution Circle,
TANGEDCO, Kancheepuram - 631 602.
5. Central Electricity Authority
Represented by its Chairperson,
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi - 110 066.
6. Tamil Nadu Electricity Regulatory Commission,
Represented by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008.

... 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's impugned notice bearing Lr.NO.SE/KEDC/KPM/AEEGL/AE2/F.HARMONICS/D.897/17 dated 25.01.2017 and the consequential impugned CC bill dated 31.01.2017 issued by the 4th respondent insofar as it relates to the levy of Harmonic compensation charges to a tune of Rs.3,60,470/- in Serial No.15 alone and quash the same as illegal, arbitrary, without the authority of law and against the provisions of the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 and consequently forbearing the 2nd and 4th respondent from in any manner levying, demanding and/ or collecting surcharges for not providing the harmonic controls from the petitioner who is connected with 11 kV supply line and direct the respondents to given refund of Rs.33,65,320/- illegally collected from the petitioner towards Harmonics compensation charges for the period from October/2015 to November/2016.

For Petitioner : Mr.R.S.Pandiyaraj

For Respondents : Ms.V.Revathy, SC
1 to 4

RR 5 & 6 : No Appearance

O R D E R

The relief sought for in these writ petitions are as follows:

"To call for the records of the 3rd respondent's impugned notice bearing Lr.No.SE/KEDC/KPM/AEEGL/AE2/F.HARMONICS/D.897/17 dated 25.01.2017 and the consequential impugned CC bill dated 31.01.2017 issued by the 4th respondent insofar as it relates to the levy of Harmonic compensation charges to a tune of Rs.3,60,470/- in Serial No.15 alone and quash the same as illegal, arbitrary, without the authority of law and against the provisions of the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 and consequently forbear the 2nd and 4th respondent from in any manner levying, demanding and/ or collecting surcharges for not providing the harmonic controls from the petitioner who is connected with 11 kV supply line and direct the respondents to refund Rs.33,65,320/- illegally collected from the

petitioner towards Harmonics compensation charges
for the period from October/2015 to
November/2016."

2. The learned counsel for the petitioner would submit that the issue is covered by the judgment of this Court in W.P.No.18144 of 2016 dated 01.02.2022. This factual position is not disputed by the learned counsel for the respondents.

3. Hence, this writ petition is also disposed of on the same lines and the impugned demand notice is quashed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Financial Controller - Revenue
TANGEDCO,
144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
TANGEDCO, Kancheepuram - 631 502.
4. The Deputy Financial Controller,
Kancheepuram Electricity Distribution Circle,
TANGEDCO, Kancheepuram - 631 602.
5. The Chairperson,
Central Electricity Authority
6th Floor, Sewa Bhawan, R.K.Puram,
New Delhi - 110 066.

6. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
(Marshall's Road), Egmore,
Chennai - 600 008.

W.P.No.3162 of 2017
and
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AJS (CO)
UMA(19/07/2022)