



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

Coram

The Honourable Mr. Justice Krishnan Ramasamy

W.P.No.1829 of 2017

and

W.M.P.Nos.1813 & 1814 of 2017

M/s.Bildon Steels P.Ltd.,
HTSC No.225, S.F.No.212/3, 214/2, 220/1, 220/2,
Kanur Village, Chinnakanur Post, Cheyur Via,
Avinashi TK, Tirupur,
Rep.by its Authorized Signatory
Prakash E Warriar.

...Petitioner

Vs.

1. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep.by its Chairman and Managing Director,
144, Anna Salai, Chennai - 600 002.
 2. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, Tirupur.
 3. Central Electricity Authority (CEA),
Rep.by its Chairperson,
6th floor, Sewa Bhawan, R.K.Puram, New Delhi - 110 066.
 4. Tamil Nadu Electricity Regulatory Commission (TNERC),
Rep.by its Secretary,
19-A, Rukmini Lakshmipathy Salai (Marshall's Road),
Egmore, Chennai - 600 008.
- ...Respondents

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 Lr. No. SE/ TEDC/ TPR/ AEE.GL/ AEII/ F Harmonics/ D.3242/ 16 dated 18.11.2016 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 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.225 either through the CC Bills or in any other manner who is connected with 11 kv supply line.

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

For Respondents : Mr.Abdul Kalam
Standing Counsel for R1 to R3

No appearance for R4

O R D E R

The challenge in this Writ Petition is to the notice, dated 18.11.2016, issued by the 2nd respondent towards the levy of harmonic compensation charges and to quash the same as illegal, arbitrary, and against the regulation 2007 framed by the 2nd respondent and consequently, forbearing the 1st the 2nd respondent from in any manner levying, demanding and collecting surcharges for not providing the harmonic controls from the petitioner, who is connected with 11 KV supply line.

2. The 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 also produced the copy of the said order for reference of this Court.

3. The 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.

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



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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 11kv 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. Nos.25, 1900 to 1903 of 2015, 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, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Pns



To

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Tirupur Electricity Distribution Circle,
TANGEDCO, Tirupur.
3. The Chairperson,
Central Electricity Authority (CEA),
6th floor, Sewa Bhawan, R.K.Puram, New Delhi - 110 066.
4. The Secretary,
Tamil Nadu Electricity Regulatory Commission (TNERC),
19-A, Rukmini Lakshmipathy Salai (Marshall's Road),
Egmore, Chennai - 600 008.

+1cc to Mr.R.S.Pandiyaraj, Advocate SR. No.1451

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and

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PMK (CO)

PR (09/02/2022)