



W.P.(MD).No.4590 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.4590 of 2015

and

M.P(MD) Nos.1 and 2 of 2015

Superfil Products Limited,
Represented by its Managing Director,
No.8/72, Ramapuram West,
Manikettipottal,
Nagercoil- 629 501.

... Petitioner

-VS-

1. Tamil Nadu Generation and
Distribution Corporation Limited,
(TANGEDCO)
Represented by its Chairman and Managing Director,
No.800, Anna Salai,
Chennai – 600 002.
2. The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Nagercoil.
3. The Chief Financial Controller – Revenue
(TANGEDCO)
No.144, Anna Salai,
Chennai – 600 002.



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4. The Chief Engineer – Commercial,
(TANGEDCO)
No.144, Anna Salai,
Chennai – 600 002.

5. Tamil Nadu Electricity Regulatory Commission
(TNERC)
TIDCO Office Building,
No.19-A, Rukmani Lakshmipathy Salai,
Marxhalls' Road,
Egmore, Chennai – 600 008.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the case from the file of the second respondent in LR.No.SE/KK/EDC/EE/GL/AEE/AE.2/F-Harmonics/D.109/15, dated 23.01.2015 (Served on 28.01.2015) following the Circular Memo No.CE/Comml/EE3/AEE2/F.Harmonics/D.589/13, dated 19.08.2013 and Circular Lr.CFC/FC/REV/AAO/HT/D.673/2014, dated 05.11.2014 issued by the third and fourth respondents, quash the same as not maintainable under law more specifically under the express provisions made in the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 under Regulation 2 Clause 8, Clause 34 and Regulation 3, forbearing the respondents 1 to 3 from raising any demand for payment towards surcharge for not providing harmonic controls by the petitioner who is connected with a 11 KV supply line.

For Petitioner : Mr.Poovendra Rajan
for M/s.Lakshmi Sriram
For Respondents : Mr.S.Deenadhayalan
Standing Counsel.



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ORDER

The present Writ Petition has been filed challenging the order passed by the second respondent herein, under which, compensation charges have been levied upon the writ petitioner Company, under which, the second respondent has requested the writ petitioner Company to provide adequate harmonic suppression equipment to avoid dumping of harmonics. The second respondent has further wanted that if no intimation is received within three months, penalty will be imposed as per TNERC Rules and that the same will be collected. This order is under challenge in the present Writ Petition.

2. According to the learned Counsel for the writ petitioner, the writ petitioner Company had filed a similar Writ Petition for their factory located in Thiruvallur District before the Principal Bench in W.P.No.42274 of 2016, and an order has been passed on 17.11.2021 covering in the said issue. Paragraph Nos. 27 and 28 are extracted as follows:

27. Moreover, when this Court directed the learned Standing Counsel for TANGEDCO to get instructions as



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to whether the consumers connected to a Distribution System irrespective of the capacity of supply they receive including 11kv and 22kv supply lines need to provide harmonic control equipments, as a reply thereto, the Chief Engineer (Legal), Central Electricity Authority, Ministry of Power, New Delhi, in his letter dated 10.08.2015, has clarified that the CEA Regulations, with respect to compensation on account of harmonic distortions, are applicable to only those consumers, who are connected to 33kv or above, namely, only bulk consumers. For better appreciation, relevant portion of the said communication is extracted below:-

“This is reference to your letter dated 07.08.2015 on the above subject. It is to inform that almost 305 cases are filed in the Hon'ble Court by the petitioners having grievances similar to this case. It is to submit that:

(i) CEA Regulation with respect to compensation on account of harmonic distortions is applicable to only those consumers who are connected at 33kv or above.

(ii) Further any consumer who is connected below 33kv to the distribution



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system is not governed by the Grid Standards for connectivity to the Grid.

(iii) The Grid is defined under Electricity Act, 2003, stating that the grid is high voltage backbone system of interconnected transmission lines, sub station and generating plants.

Therefore, only systems which can directly affect the Grid are covered under such Standards and as such the present petition for the consumers connected at 33kv or above which are defined as Bulk Consumer shall be covered for Harmonic Compensation.”

28. Subsequent to the above said communication, one Mr.P.D.Siwal, Secretary to the Central Electricity Authority, New Delhi, issued a clarification on 26.08.2015 with regard to applicability of Part IV of CEA Regulations, 2007. Relevant portion of the said communication is extracted below:

“This has reference to the Part IV of the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007, it is clarified that:



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(iii) The condition of voltage and current harmonic as prescribed under Part IV is applicable only to the consumers which are defined as bulk consumers and drawing power at 33 kv and above.

(iv) For the purpose of bulk consumer means a consumer who avails supply at voltage of 33kv or above.

Therefore, part IV of CEA Regulations is applicable only to Consumers drawing power at 33kv or above and any consumer who is drawing power below 33kv shall not be covered under Part IV of CEA (Technical Standards for Connectivity of the Grid) Regulations, 2007.”

From the above said communications of the Chief Engineer (Legal) as well as the Secretary of the Central Electricity Authority, New Delhi, it is crystal clear that the consumers connected with 11kv/22kv supply lines are placed outside the scope and purview of the Part IV of the CEA Regulations, 2007, and that it has further categorically clarified that 11kv/22kv supply lines consumers are not subjected to harmonic control norms, however, 33kv and above supply lines consumers are



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*alone directed to comply with harmonic control norms.
Thus, the impugned demand issued by the
respondent/TANGEDCO directing the petitioner, who is
admittedly connected with 11kv/22kv supply lines, is
against the CEA Regulations, 2007.*

3. In view of the judgment of this Court, although the State has powers to have the consumers to install Harmonic controls irrespective of their voltage connection, the same cannot be sustained in view of non-specification of any standard of Harmonics for 11kv/22kv supply lines consumers by CEA and Section 73(d) of the Act specified the Grid Standards for operation and maintenance of transmission lines.

4. In view of the above said facts, the impugned order stands quashed and this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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