



W.P.(MD)No.1304 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.1304 of 2015**  
**and M.P(MD)Nos.2 and 3 of 2015**

M/s. Laxmi Selvaraaj Tex Private Limited

Represented by its Managing Director

K.P.S.Manoharan

... Petitioner/Petitioner

Vs.

1.Tamil Nadu Electricity Regulatory Commission (TNERC),

Represented by its Secretary,

19-A, Rukmini Lakshmipathy Salai (Marshal's Road),

Egmore, Chennai – 600 008.

2. Tamil Nadu Generation and Distribution Corporation,  
(TANGEDCO),

Represented by its Chairman and Managing Director,

No.144, Anna Salai,

Chennai – 600 002.

3. The Chief Engineer – Commercial,

TANGEDCO, 144, Anna Salai,

Chennai – 600 002.

4.The Chief Financial Controller/Revenue,

(TANGEDCO), 144, Anna Salai,

Chennai – 600 002.



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5.The Superintending Engineer,  
Madurai Electricity Distribution Circle,  
(TANGEDCO), K.Pudur,  
Madurai

... Respondents/Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned letters No.CE/Comml./EE3/AEE2/F.Harmonics/D.589/13 dated 19.08.2013 of the second respondent CFC/FC/REV/AAO/HT/D.673/2014 dated 05.11.2014 on the fourth respondent and letter in Lr.No.SE/MEDC/MDU/EE/MRT/ PSO/AEE/AE/MRT/D.No.377 dated 03.11.2014 of the fifth respondent and quash the same as not maintainable under Central Electricity Authority (Technical Standard for Connectivity to the Grid) Regulations, 2007 under under Regulation 2 Clause 8, Clause 34 and Regulation 3 and consequently forbearing the respondents to raise any demand for payment towards surcharges for not providing the harmonic controls as far as the petitioner is concerned with 11 KV and 22 KV supply lines.

For Petitioner : Mr.S.Jaw Ahar  
For Respondents : Mr.S.Dheenadhayalan  
Standing Counsel

### **ORDER**

This Writ Petition is filed as to quash the impugned letters demanding harmonic compensation charges.



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2. The case of the petitioner is that the petitioner is HT consumer and he has been sanctioned with 11 KV and 22 KV and as per the CEA Regulations, harmonic control is applicable only to consumer drawing power more than 33 KV and not applicable to the consumers such as the petitioner, who has been sanctioned with 11 KV and 22 KV alone.

3. The issue is covered by a batch of cases in W.P(MD)Nos.25 of 2015 etc batch dated 05.06.2017 and that has already been followed consistently by this Court.

4. The aforesaid batch of Writ Petitions were decided in favour of the consumers/petitioners therein referring to a clarification issued by Central Electricity Authority in terms of Part IV of CEA Regulations, reading as follows:

“..2. The petitioners seek a direction as well to the respondents to desist from levying, demanding or collecting harmonic control charges or compensation for harmonics dumping in respect of their HT connections.



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3. The aforesaid batch of Writ Petitions was decided in favour of the consumers/petitioners therein referring to a clarification issued by Central Electricity Authority in terms of Part IV of CEA Regulations, reading as follows:

*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 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)."*



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4. In light of the above clarification that the levy in question would apply only to consumers drawing power at 33 KV or above and any consumer who is drawing power below 33 KV would not be covered under Part IV of CEA (Technical Standards for connectivity to the Grid) Regulations, 2007, the prayer of the petitioners is liable to be accepted and I do so..”

Accordingly, the impugned letters No.CE/Comml./EE3/AEE2/ F. Harmonics/D.589/13 dated 19.08.2013 of the second respondent CFC/FC/REV/AAO/HT/D.673/2014 dated 05.11.2014 on the fourth respondent and letter in Lr.No.SE/MEDC/ MDU/EE/MRT/ PSO/AEE/AE/MRT/D.No.377 dated 03.11.2014 of the fifth respondent are set aside.

5. In fine, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**16.03.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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- To,
- 1.The District of Town and Country Planning,  
807, Anna Salai Chennai 600 002
  - 2.The Assistant Director of Panchayat,  
Collectorate,  
Dindigul, Dindigul District
  - 3.The Executive Officer,  
Vedasandur Town Panchayat,  
Vedasandur,Dinidgul District



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**B.PUGALENDHI, J.**

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