



W.P(MD)No.4121 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4121 of 2015

and

M.P(MD)Nos.2 & 3 of 2015

M/s.Sri Kaderi Ambal Mills Limited,
HTSC No.46,
Represented by its Managing Director,
SV.Pethaperumal,
Peratukottai Village,
Shanmuganathapuram – 630 374,
Sivagangai District.

... Petitioner

Vs

- 1.Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chaiman and
Managing Director,
No.144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer – Commercial,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.
- 3.The Chief Financial Controller – Revenue,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.



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4. Tamil Nadu Electricity Regulatory Commission (TNERC),
TIDCO Office Building,
No.19 – A, Rukmani Lakshmipathy Salai,
Marshalls' 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, to call for the records of the respondents 2 and 3 in the matter of issuance of their impugned letters bearing No. CE/Comml/EE3/AEE2/F.Harmonics/D.589/13 dated 19.08.2013 and CFC/FC/REV/AAO/HT/D.673.2014 dated 05.11.2014 and quash the same as not maintainable under the law more specifically under the express provisions made in the CEA (Technical Standers for Connectivity to the Grid) Regulations, 2007 under Regulation 2 Clause 8, Clause 34 and Regulation 3 and consequently forbearing the respondents 1 to 3, raise any demand for payment towards surcharges for not providing the harmonic controls to the petitioner Unit which is connected with 11 KV supply lines.

For Petitioner : Mr.N.Sudalaimuthu

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The issue raised in this writ petition is no longer *res integra*. Vide order dated 05.06.2017 made in W.P.No.25 of 2015 etc batch, it was held as follows:



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“In view of Regulation 4(1)(iv) of the Tamil Nadu Electricity Supply Code, although the State has got power to direct the consumers to install harmonic filters irrespective of their voltage connection as stated by learned Additional Advocate General for the TANGEDCO, the same cannot be sustained in view of non-specification of any standard of harmonics for 11 kv/22kv/supply line consumers by the CEA, who, being an Apex Body as per Section 73(d) of the Act, has exclusive powers to specify the Grid Standards for operation and maintenance of transmission lines. Thus, for all the reasons stated above, the impugned demands are quashed. Consequently, the writ petitions are allowed. No costs.”

3.It was also brought to the notice of this Court by the learned counsel for the petitioner that the order passed by this Court has been followed by the Tamilnadu Electricity Regulatory Commission for determination of Tariff for Generation and Distribution in its order in TP No.1 of 2017 dated 11.08.2017, wherein, it has been incorporated as under:

“6.1.1.2 Harmonics:

a..... (b)It shall not be applicable for all HT consumers connected at 11 kv and 22 kv until the CEA prescribes any standard of harmonics for 11 kv/22kv supply line consumers and makes them also obligatory for harmonic controls.”



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In view of the aforesaid order dated 05.06.2017 made in W.P.No.25 of 2015 etc

batch, the writ petition is allowed and the impugned circular is also quashed.

Consequential demands shall also stand quashed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.09.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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Tamil Nadu Generation and Distribution
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Chennai – 600 002.
- 2.The Chief Engineer – Commercial,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.
- 3.The Chief Financial Controller – Revenue,
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G.R.SWAMINATHAN, J.

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