



W.P.(MD) No.10492 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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M/S.Indian Rare Earths Ltd.,
(A Government of India undertaking
Department of Atomic Energy),
represented by its Hear,
one of the Units at
Manavalakuruchi 629 252,
Kanyakumari District,
State of Tamil Nadu

... Petitioner

/vs./

- 1.The Chairman cum Managing Director,
M/s.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
(A fully owned subsidiary company of TNEB Ltd),
registered office,
NPKRR Maligai,
NO.144, Anna Salai,
Chennai 600 002.
- 2.Accounts Officer (Revenue),
Kanyakumari Electricity Distribution Circle,
M/s.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),



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Parvathipuram,
Nagercoil 629 003,
Kanyakumari District,
Tamil Nadu.

3.The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
M/s.Tamil Nadu Generation and Distribution
Corporation Limited,
Parvathipuram,
Nagercoil 629 003,
Kanyakumari District,
Tamil Nadu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records connected with Energy Bill dated 30/05/2015 as confirmed vide order dated 11/01/2016 passed by the Third Respondent and quash the same in so far as it relates to the levy of harmonics compensation and direct the respondent to refund the sum of Rs. 10,29,752/- (Ten Lakhs Twenty Nine Thousand Seven fifty two) only with interest levied as harmonics compensation charges to the petitioner.

For Petitioner : Mr.Manohar Gupta

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging the bill dated 30/05/2015 as confirmed vide order dated 11/01/2016 passed by the third



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respondent and to direct the respondents to refund a sum of Rs.10,29,752/- with interest levied as harmonics compensation charges to the petitioner.

2. The learned Standing Counsel appearing for the Department would submit that the Central Electricity Authority [Technical Standards for Connectivity to the Grid] Regulations, 2007, would indicate that the harmonic distortion would only be installed with subscribers having more than 33 KV and above connections and the same would not be applicable to the petitioner herein also.

3. Recording the said submission, the impugned order, dated 30.05.2015 passed by the third respondent is set aside. Even though the learned Counsel for the petitioner seeks for refund of amount, considering the fact that he has a regular consumer, the said amount shall be adjusted in the future bills of the petitioner. The learned Counsel for the petitioner would submit that incase the petitioner had alienated or converted the same to a private Company, such refund shall be adjusted to the connection available in the name of the petitioner. Acceded to his request, the respondents are also directed to adjust the amount



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paid by the petitioner towards demand made by them in the future bills of the connection standing in the name of the petitioner.

4. The writ petition stands disposed of with the above directions. There shall be no order as to costs.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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