IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 26418 of 2022
and WMP.Nos.25499 & 25500 of 2025

1. M/s.Pioneer spinners
Unit of the National Textile Corporation
Limited, Kamuthakudi, Paramakudi-
623 707.

Petitioner(s)

Vs

1. Tamil Nadu Generation and
Distribution
Corporation Limited (TANGEDCO),
Represented by its Chairman and
Managing Director, 10th Floor, 144,
Anna Salai, Chennai - 600 002.

2.Tamil Nadu Electricity Ombudsman,
4th Floor, SIDCO Corporate Office
Building, Thiru-Vi-ka Industrial Estate,
Guindy, Chennai - 600 032.

3.Superintending Engineer,
Ramnad EDC, TANGEDCO
Ramanathapuram - 623503.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India, calling for the records of the impugned order passed by the 2nd Respondent in A.P. No. 20 of 2022 dated 18.08.2022, and the consequent demand notice issued by the 3rd Respondent bearing Lr.No. SE/REDC/RMD/AO/R/AAO/Asst./HT/F. Harmonics/D/540/2022 dated 24.08.2022, and quash the same as being arbitary and illegal.

For Petitioner(s): Mr.Rahul Balaji

For Respondent(s): Mr.S.Madhusudanan

ORDER

Challenging the impugned order rejecting the petitioner's claim to declare the measurement taken by the respondent is invalid and also concurring measurement of the harmonics undertaken at the appellant's industry, the present writ petition has been filed.

2. The main dispute is with regard to the imposing of harmonic charges from the date of order of the TNERC or from the date of regulations. The impugned order has held that such charges shall be claimed retrospectively, whereas, it is the contention of the petitioner that the charges could be applied only from the date of the order of the TNERC, i.e., 05.04.2022. The contention of the petitioner has been repelled by the impugned order. To arrive at such calculation, the Ombudsman has mainly relied upon the order passed by the TNERC in MP.No.25 of 2015 dated 05.05.2022 between Union of India represented through Chief Electrical Distribution Engineer Southern Railway vs. TANGEDCO, wherein, the following order has been passed.

> *"8.14 Though the provisions under which the respondent has collected the charges are not challenged, the crux of dispute between the parties revolve around a focal point as to whether the measurement made by the Licensee is technically valid and tenable in the eye of law.*
>
> *We have to consider two things to decide the validity of the measurement by the respondent and maintainability of the refund claim of the petitioner.*
>
> *The first thing to be decided is the validity of measurement / authenticity of results. Such question of validity stems from adoption of set standards. When the technical standards set by an Indian institution recognized by law for such activity exists, the same is bound to be followed by default. In the absence of such*

Indian standards, other International standards such as IEEE/IEC/BS/ANSI etc., are to be followed.

In the case on hand, the petitioner relies on the point that TANGEDCO had not adopted any standard or methodology specified in IEEE 519-2014 and CEA Amendment Regulation 2019, but followed their own standards.

Before going to deal with what standard the TANGEDCO followed or otherwise, we need to decide the validity of the contention as to whether the Amendment made in Regulation in 2019 could have been followed in 2014 by the Respondent as insisted by the Petitioner?

Any regulation unless specifically provided for, take effect only prospectively. The amendments to regulations made in 2019 or the IEEE standards published in 2014 could no way be made applicable retrospectively to declare that the TANGEDCO must have made their measurements in the past periods of 2019 retrospectively, in accordance with the amended regulations 2019. In the absence of meter standards and methodology specified either in the earlier version of IEEE519-1992 prior to IEEE519-2014 or in any Indian Standards, TANGEDCO chose to adopt the IEC 61000-4-7 & IEC 61000-4-30 standard power quality analyzer and IEC 61000-3-6 standard measurement methodology which cannot be deserved to be termed as nonstandard and declared invalid in view of IEC being an International Standard. Further TANGEDCO adopted the limit prescribed by the CEA regulation 2007 and determined the TDD in percentile of the average maximum demand load current to be fair to avoid undue penalty corresponding to lower loads as apprehended by the petitioner. The charges collected are also in accordance with the relevant provisions of the Tariff order. Considering the IEC standards and methodology upon which the respondent carried out the measurement in the absence of Indian standard, we are unable to accept the contention of the petitioner that the standards and methodology followed by the TANGEDCO is arbitrary"

3. The impugned order is mainly passed on the basis of the above order, now, Mr.Rahul Balaji, learned counsel for the petitioner would submit that the MP.No.25 of 2015 dated 05.05.2022 was challenged before the Appellate Tribunal for Electricity in Appeal No. 284 of 2023. The Appellate Tribunal

while entertaining the appeal dated 10.04.2023 has clearly recorded that the question whether or not the standards applied by the 1st respondent, prior to these regulations being made, have been complied with by the appellant is a question of fact which must be necessarily await the appeal being finally heard on merits and also directed the first respondent not to take any coercive steps for recovery of the balance 50% for the period commencing from 06.02.2019 (the date on which the 2019 Regulation came into force) till the date of the impugned order i.e., 05.05.2022. That order came to be passed mainly on the admitted position by both sides that prior to coming into force of the regulation, certain international standards were adhered in these matters, later statutory regulation came into effect from February 2019 and in the meanwhile, the Commission has passed the order on 05.04.2022. It is to be noted that as there was ambiguity, this order came to be passed and the appeal came to be entertained now by the Appellate Tribunal for Electricity. The impugned order is directed against the writ petitioner based mainly relying on the direction in the order of the Commission in MP.No.25 of 2015 dated 05.05.2022.

4. Such view of the matter, this Court is of the view that any order passed by the Appellate Tribunal for Electricity in this regard will certainly cover the case of the petitioner, bind the petitioner and address the issue in dispute. The order of Appellate Tribunal for Electricity in Appeal No.284 of 2023 shall be binding on the petitioner as far as the harmonic compensation is concerned. Till

the disposal of the appeal by the Appellate Tribunal for Electricity, the respondents shall not take any coercive steps for recovery of balance 75% of the amount shown in the impugned order.

5. Originally the petitioner was directed to deposit 25% of the amount, i.e, 46,12,111/-, however, the said amount has not been paid except Rs.25 lakhs as ordered by the writ court in WP.24724 of 2021 vide order dated 19.11.2021. The writ court has taken into consideration of the situation of the petitioner at the relevant point of time and had ordered him to deposit Rs.25 lakhs as a precondition amount for hearing the appeal. This Court is of the view that to enjoy the benefit of Appellate Tribunal for Electricity order in Appeal No. 284 of 2023, the petitioner has to necessarily deposit 25% as ordered by the Ombudsman less Rs.25 lakhs already remitted pursuant to the directions of this Court.

6. Such view of the matter, the petitioner shall deposit a sum of Rs.21,12,111/- (i.e, 46,12,111/-(25%) – Rs.25,00,000/-) within a period of three months. On such deposit being made, the respondents shall not take any coercive steps for recovery of the remaining amount till the disposal of the appeal by the Appellate Tribunal for Electricity and it made it clear that any decision made in the appeal in Appeal No. 284 of 2023 shall necessarily bind

the writ petitioner. The learned counsel for the petitioner also fairly accepted the position.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

17-12-2025

dhk
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
10th Floor, 144, Anna Salai, Chennai - 600 002.

2.Tamil Nadu Electricity Ombudsman,
4th Floor, SIDCO Corporate Office Building, Thiru-Vi-ka Industrial Estate,
Guindy, Chennai - 600 032.

3.The Superintending Engineer,
Ramnad EDC, TANGEDCO
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N.SATHISH KUMAR J.

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