

# RELIANCE

Rinfra CIN: L99999MH1929PLC001530  
 Reliance Infrastructure Limited  
 E-7, MIDC  
 Andheri (East)  
 Mumbai 400 093, India

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 www.rinfra.com

G-1039/PPP/2014

Dt: 23/02/2015

Mr. M D Salvi,  
 Head Commercial,  
 Tata Power Company Limited,  
 Distribution Customer Services,  
 Dharavi Receiving Station, Nr. Shalimar Indl Estate,  
 Matunga, MUMBAI – 400 019

Dear Sir,

**Sub:** Permanent disconnection Notices for various consumers.  
**Ref:** TPC letter ref no:

1. DCS/Comm/2015-53 dated 13/02/2015,
2. DCS/Comm/2015/55 dated 14/02/2015,
3. DCS/Comm/2015/56 dated 14/02/2015,
4. DCS/Comm/2015/57 dated 14/02/2015,
5. DCS/Comm/2015/58 dated 14/02/2015,
6. DCS/Comm/2015/60 dated 16/02/2015,
7. DCS/Comm/2015/61 dated 16/02/2015,
8. DCS/Comm/2015/62 dated 17/02/2015

We refer to above and write to inform you as under-

As you are aware, Hon'ble Appellate Tribunal has pronounced judgment in Appeal No 246 of 2012 and 229 of 2012 on 28-11-2014. The Hon'ble Tribunal in the aforesaid judgment has issued certain directions.

We request you to kindly intimate to us whether your request for Switchover of consumers, list whereof was forwarded to us, is in compliance with the directions issued by the Hon'ble Tribunal in its judgment and order dated 28-11-2014 in Appeal No 246 of 2012 and 229 of 2012.

Till you comply with the directions issued by the Hon'ble Tribunal, there is no question of processing the request made in your letters dated 13/02/2015, 14/02/2015, 16/02/2015 and 17/02/2015.

Yours faithfully,



**(Prakash Phalak)**  
 Asst. Vice President

**CC:** Principal Secretary,  
 Maharashtra Electricity Regulatory Commission.  
 13th Floor, Center no.1, World Trade Centre,  
 Cuffe Parade, Colaba, Mumbai -400 005

G-096/PPP/2015  
Dtd.21/04/2015

Mr.M.D.Salvi  
Head-Commercial,  
Distribution Customer Services  
Dharavi Receiving Station,  
Nr. Shalimar Indl. Estate,  
Matunga, Mumbai – 400 019.

**Sub :** Permanent disconnection notices for Switchover of various consumers.

**Ref :** Your letter dtd. 3<sup>rd</sup> April 2015 vide : DCS/Com./2015-116

Dear Sir,

We refer to your above letter and write to inform you as under –

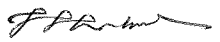
1. We have perused your reply dated 3<sup>rd</sup> April 2015 to our letter dated 23<sup>rd</sup> February 2014. The said letter does not clarify as to how your request for switchover of consumers is in compliance with judgment dated 28<sup>th</sup> November 2014 of Hon'ble Tribunal in Appeal No 246 of 2012. In any event the said judgment in paragraph 59 holds as follows:

*"59. However, where Tata Power has already made considerable investment in constructing the distribution system in pursuance of the directions of the State Commission, it should be allowed to be commissioned and capitalized, to feed the consumers as decided by the State Commission. Tata Power may submit a proposal to State Commission in this regard which the State Commission shall consider and decide after hearing the concerned parties including Rlnfra." (Emphasis Supplied)*

The contents of your letter dated 3<sup>rd</sup> April 2015 are vague and in fact contrary to the findings and directions of Hon'ble Tribunal in the said judgment.

2. In view of the aforesaid, it is clear that your request for switchover of consumers on the alleged ground that "most of the Consumers have applied to Tata Power for switchover before Hon'ble APTEL order in Appeal No 246 of 2012 on 28<sup>th</sup> November, 2014" is clearly not as per the judgment dated 28<sup>th</sup> November 2014 in Appeal No 246 of 2012. Thus, switchover, if any can be permitted after compliance of directions of Hon'ble Tribunal.

Yours faithfully,

  
(Prakash Phalak)  
Asst. Vice President

**CC:** 1) Principal Secretary,  
Maharashtra Electricity Regulatory Commission.  
13th Floor, Center No.1, World Trade Centre,  
Cuffe Parade, Colaba, Mumbai -400 005



Ref.No.G-448/PPP/2015

Date: 04/07/2015

Mr. M D Salvi  
Chief Manger -Commercial  
The Tata Power Company Ltd  
Distribution Customer Services,  
Dharavi Receiving Station,  
Near Shalimar Industrial Estate,  
Matunga, Mumbai 400 019

Dear Sir,

Sub: Disconnection schedule by TPC on 6<sup>th</sup> July 2015: - for CA no.500128628, & 12 other

Ref: a) The Tata Power Company Limited (TPC) e-mail dated 13/02/2015

b) R-infra e-mail to TPC dated 26/02/2015

c) The Tata Power Company Limited (TPC) e-mail dated 02/07/2015.

We refer to the above communication and write to inform you as under-

As you are aware, Hon'ble Tribunal has pronounced Judgement in Appeal No 246 & 229 of 2012 dated 28<sup>th</sup> November 2014. Hon'ble Tribunal in the aforesaid judgement has issued certain directions. Para 59 & 61 of the said judgement are reproduced hereinbelow for ready reference:

*"59. However, where Tata Power has already made considerable investment in constructing the distribution system in pursuance of the directions of the State Commission, it should be allowed to be commissioned and capitalized, to feed the consumers as decided by the State Commission. Tata Power may submit a proposal to State Commission in this regard which the State Commission shall consider and decide after hearing the concerned parties including Rlnfra."*

*"61. In view of above, Tata Power is directed to submit its Roll Out Plan as indicated above for approval of the State Commission. In the meantime, Tata Power is restrained to lay down its distribution network in the area common to Rlnfra till further orders of the State Commission on its Rollout Plan as per the directions given in this judgment. However, Tata Power can supply power to the existing consumers of Rlnfra irrespective of category of consumer on the request of the consumers only through Rlnfra's network by paying the necessary wheeling charges as well as the other compensatory charges including the cross subsidy charges to Rlnfra. However, there shall be no restriction on Tata Power or Rlnfra to lay network for supply to new connections.*





*The State Commission shall consider to give approval for laying down of network by Tata Power only in areas where there are distribution constraints and laying down of a parallel network by Tata Power will improve reliability of supply and benefit the consumers, only after hearing Rlnfra and the consumers. Similarly, Rlnfra shall not lay network in any area where only Tata Power's network is existing and use Tata Power network for changeover of consumers, if any, till further orders by the State Commission, except for extending supply to new connections. The State Commission is directed to devise a suitable protocol in this regard after following due procedure. This may require change in licence condition of the licensees which the State Commission shall decide after following due procedure as per law."*

It is clear from the aforesaid that any further activity of TPC in respect of network laying or switchover is to be done after MERC approves roll out plan and protocol.

In view of the above, your request for switchover cannot be processed, pending approval of Hon'ble Commission.

Thanking you,

Yours Sincerely,

A handwritten signature in black ink, appearing to read "D. S. Shah".

**(Dilip S Shah)**  
Vice President

**Cc:** 1. The Secretary,  
Maharashtra Electricity Regulatory Commission.  
13th Floor, Center No.1,  
World Trade Centre,  
Cuffe Parade, Colaba  
Mumbai -400 005





9<sup>th</sup> July, 2015

CREG/MUM/Rlnfra/2015/187

To,  
Mr. Dilip Shah,  
Vice President, Reliance Energy,  
Reliance Infrastructure Limited,  
E-7, MIDC, Marol,  
Andheri (E), Mumbai- 400 093

Dear Sir,

Sub: Disconnection schedule by Tata Power on 6<sup>th</sup> July 2015 for CA No. 500128628 & 12 others

Ref: i) Tata Power email to Rlnfra dated 13<sup>th</sup> February, 2015

ii) Rlnfra's letter to Tata Power dated 23<sup>rd</sup> February, 2015

iii) Tata Power email to Rlnfra dated 2<sup>nd</sup> July, 2015

vi) Rlnfra letter to Tata Power dated 4<sup>th</sup> July, 2015, Ref No. G-448/PPP/2015

We refer to the above captioned subject and correspondences, pertaining to permanent disconnection of various consumers who had applied to Tata Power for migration from Rlnfra network.

At the outset in this regard, it is stated that Tata Power vide its above referred email dated 13<sup>th</sup> February, 2015 had enclosed notices sent by the consumers for termination of contract and permanent disconnection and requested Rlnfra to process the same. To this, Rlnfra vide its letter dated 23<sup>rd</sup> February, 2015 responded as to whether the request for migration of consumers was in compliance with the directions of the Hon'ble APTEL's judgment dated 28<sup>th</sup> November, 2014. Tata Power vide its email dated 2<sup>nd</sup> July, 2015 clarified that migration of consumers to Tata Power's network is in line with the directions of the Hon'ble APTEL's judgment in Appeal No. 246 & 229 of 2012 and requested Rlnfra to accordingly schedule the disconnections.

However, Rlnfra vide a letter on 4<sup>th</sup> July, 2015 has once again declined our request for migration of consumers on the surmise that the same cannot be processed pending approval of the Hon'ble Commission.

In this regard we would like to reiterate that the Hon'ble APTEL, in its judgment in Appeal No. 246 & 229 of 2012 dated 28<sup>th</sup> November, 2014 had given directions as regards commissioning, capitalizing and feeding consumers through the network which has already been laid or where considerable investments has been incurred by Tata Power-D as per the directions of the Hon'ble MERC vide its order in Case No. 151 of 2011. Relevant extracts of the said Judgment are reproduced herein below:

**TATA POWER**

**The Tata Power Company Limited**

Dharavi Receiving Station Regulations Department Matunga Mumbai 400019

Tel 91 22 6717 2636 Telefax 91 22 6717 2603

Registered Office Bombay House 24 Homi Mody Street Mumbai 400 001

CIN : L28920MH1919PLC000567 Website : www.tatapower.com Email : tatapower@tatapower.com



*"59. However, where Tata Power has already made considerable investment in constructing the distribution system in pursuance of the directions of the State Commission, it should be allowed to be commissioned and capitalized, to feed the consumers as decided by the State Commission; Tata Power may submit a proposal to State Commission in this regard which the State Commission shall consider and decide after hearing the concerned parties including Rlnfra."*

From the above, it is abundantly clear that Hon'ble APTEL had directed that such network towards which Tata Power had already made considerable investment; it is allowed to feed consumers as decided by the Hon'ble Commission in the said order in Case No. 151 of 2011. The relevant excerpts of the order of Hon'ble Commission directed that:

*"96(i) Switchover of consumers from Rlnfra-D to TPC-D network is allowed for existing changeover consumers and all consumers who have already applied and are eligible for changeover, for all consumer categories, from the date of laying distribution network in the Common Licence Area."*

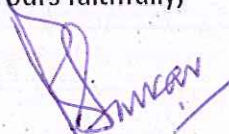
*"Table in Section 96: However, switchover is allowed for existing changeover consumers and changeover consumers who have applied before the date of this Order in selected clusters"*

It is stated that from a conjoint reading of the Judgment of the Hon'ble APTEL as well as the Order of the Hon'ble Commission, there is no restriction on Tata Power -D to enable the migration of such consumers who have opted for Tata Power-D as its utility.

In view of the foregoing, we request you to kindly co-operate with Tata Power-D to facilitate migration of consumers as per the set practice.

Thanking you,

Yours faithfully,



Bhaskar Sarkar

Head -Business Strategy & Regulations, Mumbai Operations

CC: Principal Secretary,  
Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> Floor, Centre I, World Trade Centre  
Cuffe Parade, Colaba, Mumbai 400 005

Ref.No.G-506/PPP/2015

14<sup>th</sup> July 2015.

Mr. Bhaskar Sarkar,  
Head, Business Strategy & Regulations,  
Mumbai Operations,  
Tata Power Company Limited,  
Dharavi Receiving Station, Regulations Department,  
Matunga,  
MUMBAI – 400 019.

Dear Sir,

Sub: Disconnection scheduled by Tata Power on 6<sup>th</sup> July 2015 for CA No. 500128628 and 12 Others.

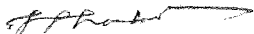
We refer to your letter Ref. No. CREG.MUM/RInfra/2015/187 dated 9<sup>th</sup> July 2015 on the above subject and we wish to state as follows:-

1. The Hon'ble Tribunal has pronounced its judgment dated 28-11-2014 in Appeal No. 246 and 229 of 2012 ("the said judgment") and has issued certain directions. Parties are required to follow the said judgment.
2. Admittedly, there exists a reliable network of RInfra-D through which the consumers stated in your email are availing supply. Thus, when changeover was sought, admittedly in any event, TPC did not have an existing network in the area.
3. The said judgment clearly holds that TPC cannot lay down any network in areas where RInfra-D network exists till the approval of State Commission. In the circumstances, after a passage of almost more than 6 months after the said judgment was delivered, a cursory request is contrary to the express ratio thereof.
4. RInfra-D is, as per the said judgment required to be heard by the State Commission on a proposal which is required to be submitted by you, inter alia, for switchover of existing consumers, which proposal would be decided by the State Commission on merits. In the meantime, there is no question of acceding to your request more so in absence of any approval by the State Commission where RInfra-D is required to be heard.

# RELIANCE

5. The direction given in paragraph 59 of the said judgment on which purported reliance is sought, was given in Nov 2014. In any event, such distribution system that may have been constructed, of which we have no knowledge, would be allowed to be commissioned and capitalized only if so decided by the State Commission, once again after hearing Rlnfra-D, which is clearly not done.
6. The said judgment is the only judgment that governs the field and purported reliance on any directions of the State Commission in Case No 151 of 2011 is clearly misplaced.
7. In any event, on a perusal of the letter under reply, it can be presumed that you are not following the said judgment and in fact purporting to claim a right to selectively lay down the network in an area where Rlnfra-D network is existing and switchover Rlnfra-D's existing consumers contrary to express finding contained in the said judgment. Thus, there is no question of us not cooperating since "migration of consumer" as sought for you (switchover) is clearly contrary to the said judgment.
8. Nothing contained in your letter dated 09-07-2015 should be taken to have been admitted by us.

Yours faithfully,



Prakash Phalak  
Asst. Vice President

Copy forwarded to: The Principal Secretary,  
Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> Floor, Centre 1, World Trade Centre,  
Cuffe Parade, Colaba,  
Mumbai – 400 005.