

BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

WORLD TRADE CENTRE, CENTRE NO.1,
13th FLOOR, CUFFE PARADE, MUMBAI 400005

CASE NO. 182 OF 2014

AND

CASE NO. 40 OF 2015

IN THE MATTER OF:

The Tata Power Company Limited

...Petitioner

Versus

BEST Undertaking & Ors.

...Respondents

GOVERNING STATUTORY FRAMEWORK & JUDGMENTS

1. Electricity Act, 2003 (“**Electricity Act**”):

SECTION 42

“42 Duties of distribution licensee and open access

*(1) It shall be the duty of a distribution licensee to develop and maintain an **efficient, coordinated and economical distribution system** in his area of supply and to supply electricity in accordance with the provisions contained in this Act.*

(2) The State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

(3) Where any person, whose premises are situated within the area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity in accordance with regulations made by the State Commission and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access.

SECTION 43

43. Duty to supply on request

(1) Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

PROVIDED that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

2. MERC (General Conditions of Distribution Licence) Regulations, 2006”

“8.3.1 The Distribution Licensee shall develop and maintain an efficient, safe, coordinated and economical distribution system in the Area of Supply and effect safe supply of electricity to consumers in such area in accordance with the provisions of the Act, Rules, Regulations, Orders and directions of the Commission.

8.3.2 The Distribution Licensee shall take all reasonable steps to ensure that all consumers connected to the Distribution Licensee’s Distribution System receive supply of electricity as provided in the Standards of Performance Regulations, and other guidelines issued by the Commission in accordance with the provisions of the Act, Rules and Regulations issued there under and shall on the application of the owner or occupier of any premises within the Area of Supply, give connection to the Distribution Licensee’s Distribution System for the purposes of providing Supply of electricity to such premises. Provided that the Distribution Licensee shall duly comply with the Standards as the Commission may specify from time to time, for the performance of duties of the Distribution Licensees under the Act.

8.3.6 The Distribution Licensee shall provide to other licensees the intervening distribution facilities to the extent of surplus capacity available, in his Distribution System in accordance with the Regulations made by the Commission for the purpose or as directed by the Commission and in the event of any dispute as to the availability of the surplus capacity the same shall be determined by the Commission. The charges, terms and conditions for the use of the intervening facilities may be mutually agreed between the Licensees subject to any order made by the Commission for the purpose.

8.6.10 Subject to other regulations notified by the Commission, the Distribution Licensee shall submit a Business Plan within three (3) months of Distribution Licence coming in force for such period as the Commission may direct and shall update such plan annually. The Business Plan shall inter alia contain (i) year wise load growth, (ii) year wise Distribution loss reduction proposal along with specific action plan, (iii) metering plan for metering interface points, (iv) treatment of previous losses, (v) cost reduction plan, and (vii) other important financial analysis or parameters.

8.7.1 The Distribution Licensee shall not make any capital investment, except

in an economical and prudent manner to build, maintain and operate an efficient, safe, coordinated and economical Distribution System and to fulfill its universal service obligation to service every consumer in the area of supply.”

3. Specific Conditions in Distribution Licence No.1 of 2014 granted to Tata Power:-

“...Part II: Specific

1. The distribution licensee shall submit a detailed network roll-out plan in accordance with the observations and directions of the Commission in its Order dated 14.08.2014 in Case No. 90 of 2014 and the relevant provisions of the Electricity Act and the rules and regulations made thereunder.

2. The plan should clearly bring out that it is cost effective; provides equal access to all categories of consumers; creates a level playing field; and is optimal for the purpose of meeting its Universal Service Obligations in a time bound manner.

...”

4. ***BEST v. MERC & Ors.***, reported as (2015) 2 SCC 438:-

“26.Section 42 of the Act deals with the duties of distribution licensee and open access. Sub-section (1) thereof provides that it shall be the duty of a distribution licensee to develop and maintain an efficient, coordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in the Act. Sub-section (2) casts an obligation upon the State Commission to introduce open access in phases and subject to such conditions, as may be specified, these conditions may include the cross subsidies and other operational constraints. It is thereafter in sub-section (3) of Section 42 provision is made for wheeling of electricity with respect to supply stating that duties of distribution licensee shall be of a common carrier providing non-discriminatory open access. Thus sub-section (3) provides for open access and casts a duty upon the distribution licensee in this behalf. Here, it excludes local authority, as distributor of electricity from such an obligation. However, when it comes to the duty of distribution licensee to supply the electricity under Section 43, it mandates that same is to be given to the owner or occupier of any premises on his application within one month from the receipt of the said application. This duty under Section 43 imposed upon a distribution licensee does not distinguish between a local authority and other distribution licensee. It is also not a case of the appellant that in a particular area where a local authority is a distribution licensee, there cannot be any other distribution licensee at all.

27. Thus, on a conjoint reading of Sections 42 and 43 of the Act along with the objectives and purpose for which the 2003 Act is enacted, it becomes clear that there are two ways in which a consumer stated in a particular area can avail supply of electricity, as pointed out by the learned Senior Counsel for TPC and noted above. When an application is made by a consumer to a distribution licensee for supply of electricity, such a distribution licensee can request other distribution licensee in the area to provide its network to make available for wheeling electricity to such

consumers and this open access is to be given as per the provisions of Section 42(3) of the Act. It is here only that local authority is exempted from such an obligation and may refuse to provide or make its network available. Second option is, under Section 43 of the Act, to provide the electricity to the consumer by the distribution licensee from its own network. Therefore, if in a particular area local authority has its network and it does not permit wheeling of electricity by making available its network, the other distribution licensee will have to provide the electricity from its own network. For this purpose, if it is not having its network, it will have to lay down its network if it requires in order to supply electricity to a consumer seeking supply.

28. This interpretation of ours is in consonance of the objective and purpose of the Act. The aforesaid objective is further clarified by the Tariff Policy and the National Electricity Policy under Section 3 of the Act which emphasised the need for efficiency and competition in the distribution business.The provision of open access to consumers ensures right of the consumer to get supply from a person other than the distribution licensee of his area of supply by using the distribution system of such distribution licensee.

30. Once we read the provisions in the aforesaid manner, it becomes clear that there is no exemption from universal service obligation to any distribution licensee under the Act, on account of the presence of a “local authority” as a distribution licensee in the particular area of supply, which is also reinforced by Para 5.4.7 of the National Electricity Policy which clearly states that the second licensee in the same area shall have the obligation to supply to all consumers in accordance with Section 43.....

31. It is, therefore, difficult to accept the extreme position taken by the appellant that if local authority is a distribution licensee in a particular area, there cannot be any other distribution licensee in that area without the permission of such a local authority. Not only such a contention would negate the effect of universal supply obligation under Section 43, it will also amount to providing an exception which is not there either in Section 43 or Section 14 of the Act, namely, to treat local authority in special category and by giving it the benefit even that benefit which is not specified under the Act...”

5. **TPC v. REL & Ors.** reported as (2008) 10 SCC 321:

“..

99. Regarding Mr Venugopal's other submission relating to Section 42 of the 2003 Act, we are unable to appreciate how the same is relevant for interpreting the provisions of the licences held by TPC. It is no doubt true that Section 42 empowers the State Commission to introduce a system of open access within one year of the appointed date fixed by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling having due regard to the relevant factors, but the introduction of the very concept of wheeling is against Mr Venugopal's submission that not

having a distribution line in place, disentitles TPC to supply electricity in retail directly to consumers even if their maximum demand was below 1000 kVA.

100. The concept of wheeling has been introduced in the 2003 Act to enable distribution licensees who are yet to install their distribution line to supply electricity directly to retail consumers, subject to payment of surcharge in addition to the charges for wheeling as the State Commission may determine

103. As submitted by Mr Chagla, the Act is meant to be consumer-friendly and one of the objectives it sets out to achieve is to give the consumer an option to choose the distribution licensee from whom it wishes to receive supply of electrical energy. The intervention of MIDC, Marol Industries Association and the appeals filed by it, has obviously been made in that context.

105. Having earlier held that MERC had overstepped its jurisdiction in making out a third case which had not been made out by BSES and had on the basis thereof issued orders which had not even been prayed for by BSES, we quash the orders passed both by MERC and the Appellate Tribunal for Electricity and allow all these three appeals upon holding that under the terms and conditions of the licences held by it, Tata Power Co. Ltd. is entitled to effect supply of electrical energy in retail directly to consumers, whose maximum demand is less than 1000 kVA, apart from its entitlement to supply energy to other licensees for their own purposes and in bulk, within its area of supply as stipulated in its licences and also subject to the constraints indicated in relation to sub-clause (I) of Clause 5 in relation to factories and the Railways.

6. ***Reliance Infrastructure Limited v. Tata Power Company Limited-*** Judgment of the Hon'ble Commission dated 22.08.2012 in Case No.151 of 2011

"..96. Based on all the analysis of all the above issues, the Commission has come to the conclusion that there is a need to intervene in the manner of changeover and switchover of consumers, as being undertaken by the Parties, and there is a need to calibrate the migration of consumers from one Licensee to another, in order to ensure a level playing field and also to protect the interests of low-end consumers being supplied electricity in the Common Area of supply between Rlnfra-D and TPC-D. Accordingly, the Commission hereby modifies the interim Order in Case No. 50 of 2009, under Section 94(2) of the EA 2003, as under:

- a) ***Prospectively, from the date of this Order, consumer changeover will be allowed from Rlnfra-D to TPC-D only for the residential category of consumers and that too only for the consumers who consume electricity upto 300 units a month.***
- b) *For the purpose of identifying the target segment for consumer changeover, only those residential category consumers whose 'average' monthly consumption over the previous 12 months (as on date of submitting the application and as captured in the last paid monthly bill of Rlnfra-D) is upto and including 300 units per month, shall be eligible to changeover from Rlnfra-D to TPC-D.*

- c) *The above restriction shall not apply to pending applications for changeover (as on date of this (as on date of this Order), irrespective of consumer category and consumption slab, which will be processed as per the earlier protocol approved in the interim Order dated October 15, 2009, and changeover for eligible consumers shall be done in a smooth manner.*
- d) *This restriction of changeover being restricted to residential consumers with average electricity consumption of upto 300 units a month, shall be in force for a period of one year from the date of this Order, and the Commission will review the status of changeover and switchover and new connections added in the identified areas during this period, before deciding on the forward path for the period beyond one year.*
- e) *For all changeover consumers who have changed over before the date of this Order or who have already applied before the date of this Order and are eligible for changeover, the supply will be given by TPC-D using the network of RlnfraD, till such time as TPC-D develops its own distribution network in the area.....*
- 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. This has been explained in greater detail in the subsequent paragraphs.***
- j) *All existing and future changeover consumers, who have changed over from Rlnfra-D to TPC-D and all existing direct consumers of TPC-D, can changeover from TPC-D to Rlnfra-D, in accordance with the protocol approved by the Commission in the interim Order dated October 15, 2009 in Case No. 50 of 2009. k) The above dispensation, to be in force for the next one year from the date of this Order...*

....

98. Accordingly, the Commission hereby issues the following directions to TPC-D regarding the network roll out plan and capital expenditure to be undertaken over the next one year from the date of this Order:

- a) ***TPC-D will have to focus all its energies and capital expenditure and ensure that by the end of one year from the date of this Order, TPC-D has rolled out its entire distribution network in the 11 Clusters identified above (to be redrawn into a Municipal Ward-wise Plan by TPC-D) in such a manner that it is in a position to provide supply through its own distribution network to existing and prospective consumers located anywhere within these Clusters, within the minimum time period of one month specified under the MERC SOP Regulations.....***
- c) ***Further, the Commission has already granted in-principle approval to capital expenditure schemes to be undertaken over the next 2-3***

years. In view of the above direction to redraw the Cluster based Plan into a Ward-wise Plan, such that the 11 Clusters identified by the Commission are covered in the first Phase, TPC-D has to re-arrange the Plan such that the schemes covering the 6 Clusters overlapping between TPC-D's proposed Plan and those identified by the Commission (Mira Road, Dahisar, Kurla LBS, Saki, Mindspace, Trombay, Mankhurd Chembur, Vrindavan, Arogyanidhi, Vasantotsav, and Malad BMC Lagoon) are covered, and the balance schemes are designed for the remaining Clusters. ...”

7. *TPC v. MERC & Ors.*: Judgment dated 28.11.2014 of the Hon’ble Tribunal in Appeal No.246 of 2012 & batch:

“5. Keeping in view the rival contentions of the rival parties, the following issues arise for our consideration:

- (i) Whether Tata Power has indulged in “Cherry Picking” of changeover consumers supplied electricity on Rlnfra’s network?*
- (ii) Whether Tata Power has laid down network selectively to serve high end subsidizing consumers ignoring low end consumers in the proximity?*
- (iii) Whether the State Commission had power to issue the impugned directions to the Appellant under Section 23 of the Act?*
- (iv) Whether the State Commission has erred in continuing the interim arrangement for supplying electricity to changeover consumers using Rlnfra’s network permitted by the Commission by order dated 15.10.2009?*

23. The provision for a second distribution licensee in the Act has been given to promote competition the benefit of which should go to the consumers..... The consumer has to ultimately decide the distribution licensee from whom he wants to take the supply. The consumer would normally choose the licensee primarily on the basis of tariff and reliability of supply. For changeover consumer the reliability of supply is the same irrespective of whether the supply is from Rlnfra or Tata Power. Therefore, the tariff alone is the criteria for the consumer to decide the changeover....

24. The concept of level playing field is that the players in the market get an equal opportunity of competing with each other without any bias and are subjected to same rules of the competition. The competitors should be able to offer the price at which they want to supply power and let the market forces determine the rest. In this case the State Commission has determined the tariff for different categories of consumer for both the licensees following the same Regulations. It is for the consumer to decide the choice of its supplier. However, the State Commission has to ensure that no licensee is putting road blocks in the consumer making his own choice of supplier. In this case it is not established conclusively that Tata Power was intentionally trying to create a road block to avert changeover of certain categories of consumers and indulging in Cherry picking of changeover consumers. By putting restriction on some categories of consumers to changeover to Tata Power, the State Commission has denied choice to certain categories of consumers to avail supply at cheaper tariff to which they are entitled as per the scheme of the 2003 Act and also as per the changeover protocol devised by the State Commission. Rather than putting restriction on changeover, the State

Commission should have taken measures to ensure that adequate publicity is given to the effect that PAN no., etc. were not necessary for applying for changeover and ensured that the internal systems of Tata Power are also functioning accordingly.

26. Therefore, evidently it is the tariff fixed by the State Commission which is ultimately deciding the trend of movement of consumers and in no way can be termed as ‘cherry picking’ by Tata Power.

44.....The changeover gives low end consumers flexibility to choose supplier depending on the tariff decided by the State Commission from time to time without going into the hassle of change of service line.

48. If a consumer is satisfied with the changeover arrangement, we feel the consumer cannot be forced to switchover.

49. Merely because Tata Power has not switched over the subsidized residential changeover consumers in the vicinity of its network, does not establish that Tata Power is selectively laying its LT network as these consumers have not chosen to switch over to Tata Power’s system.

*56. Therefore, in the circumstances of the present case where a reliable distribution system of Rlnfra is already existing **and** physical constraints in laying down of network by Tata Power **and** very high cost involved in the same, it is in the overall interest of consumers of Tata Power and Rlnfra that the changeover consumers continue to get supply from Tata Power on the Rlnfra’s network. It will also be convenient and economical for the consumer to changeover back to Rlnfra in case Rlnfra’s tariff becomes more attractive in future.*

57. Consumer interest is one of the main features of the Electricity Act, 2003.....

*58. Laying down of parallel network in a congested metropolitan city like Mumbai where a reliable distribution network is already existing is to be viewed differently from situation in other areas in the country where there are deficiencies in the existing distribution network resulting in constraints in maintaining a reliable supply to the existing consumers and extending supply to new consumers. Practical difficulties in laying down the network and extending the 11/0.4 kV network all around the congested areas in multi-storeyed buildings and narrow lanes of slums and the extremely high cost involved in making an unnecessary expenditure has to be considered. In some areas it may be practically impossible to lay down the parallel network by Tata Power due to space constraints. Tata Power itself has stated that it is facing practical difficulties to lay down the distribution network. Tata Power at the same time cannot maintain its right to lay down distribution network selectively even in areas where a reliable network of Rlnfra is existing. **Tata Power should therefore, be restricted to lay down its network only in areas where laying down of parallel network would improve the reliability of supply and benefit the consumer and also for extending supply to new consumers who seek connection from Tata Power. Tata Power’s Rollout***

Plan should therefore, be restricted to only such areas. This may also require amendment in the licence condition of Tata Power, after following due process as per law. The Rollout Plan shall be approved by the State Commission only after hearing Rlnfra and the consumers. In the meantime, Tata Power should be restrained to lay down distribution network in the distribution area common to Rlnfra.

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.

60. Where Tata Power has already laid down its network and some consumers have switched over from Rlnfra to Tata Power, these consumers can remain with Tata Power. However, they can choose to switch over to Rlnfra in future on Rlnfra's existing network as per the switch over protocol to be decided by the State Commission.

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.

72.On the other hand the restrictions imposed by the Commission in the impugned order are restrictions on the licensee on not to supply electricity to all category of consumers, who wish to take supply from the Tata Power other than residential consumers having monthly consumption of less than 300 units.

73. In fact, such a restriction has denied other consumers from exercising their choice of supplier guaranteed by the Act.....

74. The Act has mandated the State Commission to protect the interests of the consumers. The State Commission, while giving any direction to the licensee is bound to ensure that such direction is in the interests of the consumer.....

77. As regards the fourth issue raised by Rlnfra in Appeal No. 229 of 2012, we feel it is perfectly legal for the consumers to changeover from one licensee to another using the network of one of the licensees and, therefore, there is no illegality in continuation of the directions of the State Commission in the order dated 15.9.2009 regarding changeover to Tata Power using Rlnfra's network. However, Rlnfra is entitled to charge from changeover consumers wheeling charges and other compensatory charges including the cross subsidy charges as decided by the State Commission from time to time as per law. The State Commission is also directed to lay down a detailed changeover protocol after hearing the concerned parties

78. Before parting, we wish to state that we have given the above findings in view of the circumstances of the case where difficulties are being experienced in laying distribution network by the parallel licensee namely, Tata Power, to provide connectivity to all consumers in the licensed area common to Rlnfra and **in the ultimate interest of the consumers.**

80. Summary of Our Findings

.....(iii) In view of the practical difficulties in laying down parallel network in Mumbai as pointed out by Tata Power we have given some directions under paragraphs 58 to 61 regarding restricting the Roll out Plan of the Tata Power only to the areas where laying down of parallel network will improve the reliability of supply and benefit the consumers and directions for continuation of changeover arrangement irrespective of category or consumption of consumers, commissioning of network where a substantial expenditure has been incurred by Tata Power in laying down new network on the directions of the State Commission, consumers who had already switched over to Tata Power, laying down network for providing new connection, changeover and switch over protocol, change in licence conditions of the licensees, etc. However, there shall be no restriction on any licensee to lay network for supply to new connections. The State Commission is also directed to decide the detailed protocol for switchover and changeover after hearing all concerned.

(v) Directions given to Tata Power by the State Commission in the impugned order are set aside.

Re: Principles governing present proceedings

8. From the perusal of the aforesaid statutory provisions and the findings/directions of various fora, the following principles are noteworthy:-

- (a) The findings of the Hon'ble Supreme Court in the matter of *BEST v. MERC*, reported as (2015) 2 SCC holds the field with regard to laying/ development of network in the area where both Tata Power and BEST are licensed to supply electricity. As held in Para 27, unless BEST permits wheeling of electricity supplied by Tata Power (under Section 42 of the Electricity Act), by making its network available, Tata Power will have to supply to its consumers from its own distribution network in terms of Section 43 of the Electricity Act. For this purpose, if Tata Power does not have its network it will have to lay down its own network.
- (b) Protection of consumer interest is paramount in terms of the statutory framework. The consumer has to ultimately decide the distribution licensee from whom he wishes to avail supply. The consumer has the choice to elect both its source of supply (choose the distribution licensee from whom he wishes to avail to supply) as well as the mode of supply (option of open access under Section 42 or avail supply under Section 43 of the Electricity Act). The consumer has a choice whether it wishes to avail supply from a distribution licensee through its own distribution network (Section 43 of the Electricity Act) or from another distribution licensee/ other source from the network of any other distribution licensee (Section 42 of the Electricity Act).
- (c) There are no restrictions on the distribution licensee in laying/ development of network, where such:-
 - (i) Network is required to supply to new consumers;
 - (ii) Demand is made by an existing consumer; or
 - (iii) Development is in consumer interest.
- (d) Distribution licensee is required to maintain an efficient, coordinated and economical distribution system. Duplication of network should be avoided if:
 - (i) There is a reliable distribution network of a licensee existing in a particular area; AND
 - (ii) There are physical constraints in laying down of any new network; AND
 - (iii) There is very high cost involved in laying down such parallel network, which is not in consumer interest.

In such circumstances, the consumers may continue to avail electricity from any distribution licensee using the existing distribution network.

- (e) Consumer is free to choose supply either in terms of Section 42 or 43 of the Electricity Act. Ld. Commission has been directed to lay down a detailed protocol after hearing the parties. **[Para 77-78, 80 of the Hon'ble Tribunal's Judgment dated 28.11.2014 in Appeal No. 246 of 2012 & batch].**
- (f) The Hon'ble Tribunal in its Order dated 29.11.2014 has protected the investment made by Tata Power for laying/ developing of distribution network in terms of the directions of this Ld. Commission in its Order dated 22.08.2012 in Case No. 151 of 2012. However, the Hon'ble Tribunal has done away with the restrictions on the class of consumers imposed by this Ld. Commission in the Order dated 22.08.2012 in Case No. 151 of 2011.
- (g) The principles of laying of any distribution network, migration of consumers etc. are to be made applicable uniformly to all distribution licensees in terms of the principles set out hereinabove.
- (h) The Hon'ble Tribunal's Judgment dated 28.11.2014 in Appeal No. 246 of 2012 & batch has clarified that should this Ld. Commission require as a part of the present proceedings it may amend the licenses of the distribution licensees to give effect to the judgment. Amendment of licence is not a pre-condition before approving the roll-out plan of Tata Power.
