

Date:- 26 March, 2019

1. Mumbai Distribution Network Assessment Committee (M-DNAC) received a letter dated 19 February, 2019 from AEML-D seeking clearance for proceeding ahead with providing supply to M/s. Tejal Minerals and Grinders Pvt. Ltd. Bandra (W) claiming that the location belongs to scenario 53(a) as per the Commission's Order in Case No. 182 of 2014. AEML-D in its letter stated that its HT Distribution mains is present within the said premises whereas that of TPC-D's, as per AEML-D's knowledge, is located around 3 km from the said premises.
2. Vide its letter dated 4 March, 2019, TPC-D disputed the scenario classification of 53(a) as claimed by AEML-D and stated as follows:
 - i. AEML-D itself has stated that it would require a substation to release power supply to the applicant i.e. Level 3 connection. Thus, in light of the para. 123.6 and para. 136.6 of the Order dated 12 June, 2017 in Case No. 182 of 2014, AEML-D cannot be considered as completely covered the location and hence, the location cannot be considered as 53(a).
 - ii. Further, in light of the para. 123.8 of the Order, since AEML-D has its HT distribution mains in the applicant's premise, the location falls within the definition of 'present' as given in the Order.
 - iii. TPC-D's distribution network is also present in vicinity. Hence, the present scenario cannot qualify as scenario 53(a).
 - iv. Thus, both AEML-D and TPC-D are present as regards supply to applicant is concerned. Therefore present scenario would qualify as scenario 53(d), being as area where one or both licensees are present but none completely cover the area.
 - v. Hence, M-DNAC may direct the parties to follow the procedure as laid down in the Order in Case No. 182 of 2014 as regards scenario 53(d).
3. AEML-D, vide its letter dated 13 March, 2019 responded to TPC-D's above letter and highlighted the Commission's Order dated 4 February, 2019 in Case No. 345 of 2018. AEML-D stated that said Order has clarified that there would be level 3 and above applications in scenario 53(a) as against TPC-D's suggestion that scenario 53(a) would be applicable for only level 1 applications (i.e. where only service line is to be laid without need of any augmentation or extension of mains). AEML-D further stated that both the Order in Case No. 182 of 2014 as well as the Order in Case No. 345 of 2018 are very clear that in areas where only one licensee's mains is existing, further network development for all levels will be done by the same licensee and allowing the other licensee to develop network in such situation would amount to network duplication. AEML-D therefore requested that the present scenario may be classified as scenario 53(a).
4. After going through the letters received from both the parties, the Committee notes that AEML-D has stated that TPC-D's HT distribution mains is located around 3 km from the

applicant premises. TPC-D, while claiming that its distribution network is also present in vicinity, has not expressly denied the AEML-D's submissions that it is 3 km away. The Committee, therefore presumes that TPC-D's network is around 3 km from the applicant's premise.

5. TPC-D has claimed that since AEML-D needs to establish a substation for supplying the applicant, AEML-D cannot be considered as 'completely cover' the location and hence 53(a) would not be the applicable scenario. The Committee notes that there is no merit in such contention of TPC-D since as observed by the Commission in its Order dated 4 February, 2019, there could be level 3 and above applications in scenario 53(a).
6. TPC-D has further claimed that since AEML-D's HT Distribution mains exist at the premise, the location falls within the definition of 'present' as given in the Order in Case No. 182 of 2014 and hence, the scenario is 53(d). On the other hand, AEML-D claims that the location falls under scenario 53(a).
7. The Committee is of the opinion that although, distance is not the criteria for scenario classification as per the Commission's Order, TPC-D's claim that its distribution network is also present in vicinity doesn't have merit presuming TPC-D's network spread (as claimed by AEML-D which is not objected by TPC-D) in present case which would mean that the location may be classified as 'scenario 53(d) with only one licensee present'.
8. In light of the above, the Committee is of the view, in either of the scenarios i.e. '53(a)' as claimed by AEML-D or '53(d) with only one licensee present', it would be AEML-D only which can proceed with releasing the connection to the applicant under present matter.
9. In view of the above, the Committee has decided to allow AEML-D to proceed with releasing power supply connection to M/s. Tejal Minerals and Grinders Pvt. Ltd. Bandra (W) in light of the principles laid down in Case No. 182 of 2014. The supply to the present applicant may be released in accordance with the applicable Orders/Regulations.

Sd/-	Sd/-	Sd/-	Sd/-
(Rakesh Guhagarkar)	(Nikhil Meshram)	(Dilip Dumbre)	(Rajendra Mashalkar)
Convener	Member	Member	Member