

MERC/M-DNAC/2020-2021/E-letter

Date: - 4 September, 2020

To,

Adani Electricity Mumbai Ltd

(Formerly Reliance Electric Generation & Supply Ltd)

Devidas Lane, Off SVP Road

Near Devidas Telephone Exchange, Borivali (W)

Mumbai 400 103

The Tata Power Company Ltd.

Dharavi Receiving Station, Matunga,

Mumbai – 400 019

Sub:- AEML's and TPC's letter regarding Application for Power Supply by Deputy Chief Engineer (M&E), SWD Projects, MCGM at Haribhau Gawde Marg, Near Juhu Koliwada.

Ref. — 1. AEML/MDNAC/MCGM/01 dated:28.07.2020.
2. TPC's letter – CD/M-DNAC/FY21 / 01dated18.08.2020.
3. AEML/MDNAC/MCGM/02 dated: 21.08.2020.

Sir,

With reference to the letter dated 28 July, 2020 and 21 August, 2020 received from AEML-D and letter dated 18 August, 2020 received from TPC-D, discussion of M-DNAC held with representatives of AEML-D and TPC-D through video conferencing on 20 August, 2020 and subsequent meeting of M-DNAC held on 24 August 2020, the Minutes of Meeting for the aforesaid meetings are attached herewith for your further necessary action.

Thanking you,

Yours faithfully,

Sd/-

(Rakesh Guhagarkar)

Convener, M-DNAC

Encl.: As above

MINUTES OF MEETING
OF THE
MUMBAI DISTRIBUTION NETWORK ASSESSMENT COMMITTEE (M-DNAC)

Date : -20th & 24st August, 2020 at 16.00 Hrs.

Venue : -Through Video Conferencing.

Present : -Shri. Dineshchandra Saboo, Member (External)

Shri. Prafulla Varhade, Member (Commission's Officer)

Shri. Dilip Dumbre, Member (Ombudsman's Officer)

Shri. Rakesh Guhagarkar, Member (Commission's Officer)

Licensee's representatives attended the discussion held on 20th August 2020:

Shri N Potphode – Tata Power

Shri Prashant Kumar – Tata Power

Shri. V. Narayanan – Tata Power

Shri. Ramesh Kharat – Tata Power

Shri. Vivek Mishra – AEML

Shri Amrut Jagtap – AEML

Discussions held

The M-DNAC had received letter from AEML-D for confirmation of scenario 53 (a) for power supply to the applicant Deputy Chief Engineer (M&E), SWD Projects, MCGM at Haribhau Gawde Marg, Near Juhu Koliwada, Mumbai. Also, letter from TPC-D was received objecting to the scenario claimed by AEML-D and claiming that the consumer's location falls under 53(d) scenario.

As the Lock-down rules and regulations are still in force due to onset of Covid-19 epidemic, the Committee found it appropriate to conduct the meeting and discussion through video-conference and deciding the aforesaid proposals as done in earlier case with the consent from both the parties. Thus, a discussion of M-DNAC with representatives of TPC-D and AEML-D to discuss the letters received from TPC-D and AEML-D was conducted on 20th August, 2020, through video conferencing. At the meeting/discussion, TPC-D and AEML-D representatives briefly explained the stands taken by them as below:-

Representative of AEML-D stated in its proposal and reply that:

1. HT mains of AEML-D is in close vicinity within just 50 meters to the premises where new connection is to be released and capable to provide the supply just with installation of Distribution Transformer.
2. Comparatively, AEML-D's network is in much better state to connect the consumer economically considering position of the two networks and therefore should be considered as 'present' network alone.
3. To assess network presence, distance will always have a role to play. Therefore, in accordance with the judgment of the Hon'ble APTEL in Case No. 35 of 2020, AEML has used the relative distance of the network of AEML-D and TPC-D to classify this application. Accordingly, only AEML-D's network is 'present' network and will therefore fall under Section 53 (a) or 53(d) with only one Licensee present and other Licensees' network is non-existent.
4. Claim of TPC-D about the judgment in Case of Netmagic is not applicable here as it was a case of 'Switchover' and not a 'new consumer' and the issue involved was laying of HT service line only, where no assessment of presence of HT mains is required. Further, it is the only Licensee economically present and all the contentions of TPC-D are similar to those contested in earlier proposals for which the Committee and then thereafter the Commission has taken concise decision. Hence, it is equally applicable to allow AEML-D for power supply considering the comparative network presence.

Representative for TPC-D stated that:

1. Consumer premise is within 950 meters from present TPC-D's network. In earlier one of proposals, distance more than 950 meters is also considered by M-DNAC for permission of power supply-to the Concerned Utility.
2. Applicable scenario for the said new connection is 53(d) and not 53(a) as both Licensees' network is spread in the vicinity of the consumer premises and is 'present' network as it was already held in the matter of Mr. Jagdeo Mhatre, when AEML-D's network was 850 mtr away from the location of the new connection.
3. AEML-D already has an LT Consumer Sub Station ("CSS") close to the Applicant's premises and thus consumers ought not to be burdened with additional expenditure (in terms of augmentation/ extension of distribution mains) where an existing network of AEML-D's exists.
4. The Hon'ble APTEL in Appeal No. 195 of 2019 had also held that, AEML-D's distribution network (which was 1.5 kms away from the consumer's premises) was to be considered as 'present'/ 'in existence' of the vicinity of the consumer for the purpose of providing connectivity to a consumer.
5. Thus, with same consistent strategy, the Committee shall consider the present proposal under 53 (d) Scenario to allow both Utility to submit cost estimates.

The Committee's observations are as under:

1. The Committee has discussed the additional submission of AEML-D dated 21st August 2020 during its meeting held on 24th August 2020 and considered the submissions as a part of the observations.
2. The Committee observed TPC-D's say that its network is also in vicinity around 950 meters away in line with the AEML-D's claim. Accordingly, during discussion held on 20th August, 2020, the TPC-D was requested to clarify the same. During the discussion, TPC-D admitted that its adjacent HT network is at least 950 meters away from the proposed consumers' location.
3. The Committee observed that the ratio of judgment of Hon'ble APTEL in Case of Netmagic is not relevant to present case where the issue involved was laying of HT service line only.
4. The Committee notes that in the Order dated 4th February, 2019 in Case No. 345 of 2018, the Commission has already acknowledged that there could be level 3 and above applications in scenario 53(a). Hence, although, the distance is not the criteria for scenario classification as per the Commission's Order, considering the network spread of both the Licensees in present case, there is no merit in the TPC-D's contention that a said consumer falls under 53 (d) scenario just because, AEML-D would require to install a new substation /distribution transformer to supply to the proposed new consumers.
5. AEML-D has confirmed that it has its LT network nearby or closer to location which cannot cater the applicant's load and hence new substation/distribution transformer is required in level 3 of the scenario 53(a).
6. Therefore, the Committee is of the opinion that the location of Applicant, Deputy Chief Engineer (M&E), SWD Projects, MCGM at Haribhau Gawde Marg, Near Juhu Koliwada for supply of 100 kW falls under scenario 53(a) as per Case No. 182 of 2014.
7. In view of the above, the Committee has decided to confirm for releasing power supply connection to Applicant (Deputy Chief Engineer (M&E), SWD Projects, MCGM at Haribhau Gawde Marg, Near Juhu Koliwada) which falls under scenario 53(a) and this criteria is satisfied by AEML-D.

Sd/-

Shri, Dineshchandra Saboo,
Member (External)

Sd/-

Shri Prafulla Varhade,
Member (Commission's Officer)

Sd/-

Shri. Dilip Dumbre,
Member (Ombudsman's Officer)

Sd/-

Shri. Rakesh Guhagarkar,
Member Convener (Commission's Officer)