

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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CASE No. 5 of 2005

In the matter of
Principles and Protocol to be adopted for Load Shedding by MSEB - uninterrupted electricity supply to Courts.

Dr Pramod Deo, Chairman,
Shri A. Velayutham, Member
Shri S. B. Kulkarni, Member

ORDER

Dated: 27th October 2005

Under its summary Order dated 16th June, 2005 and detailed Order dated 3rd August, 2005, the Commission had laid down the principles and protocol to be adopted for load shedding by the erstwhile Maharashtra State Electricity Board (MSEB) in view of the prevailing shortage of electricity in its area.

2. The Hon' ble High Court, Nagpur Bench, issued an Order dated 13th July 2005 on a Civil Application No. 936 of 2005 filed by Shri. Sandeep Agrawal seeking directions to MSEB to supply uninterrupted electricity to the High Court building for proper and smooth administration of justice. The High Court Order states that:

“The issue raised is of the vital importance to the running of Courts. The smooth and efficient running of Courts is vital to the administration of justice so that it is not throttled and considering the public grievance that matters take a long time for disposal. It is only in a congenial atmosphere can courts function effectively. Considering that M.S.E.B. is directed to place this order before MERC for proper directions so as to see that the functioning of work in Court buildings during the working hours there is uninterrupted electric supply as far as possible. Considering the nature of the relief sought by the petitioner we allow the relief of uninterrupted electric supply to Court building. If there are technical difficulties then the State Government to provide generators for court buildings in the State so that Courts function effectively. MERC to take decision in the matter and communicate its order to this court within 3 months from today. M.S.E.B. to forward the copy of this order to MERC..”

3. The distribution function of the erstwhile MSEB has now been vested in the Maharashtra State Electricity Distribution Company Ltd. (MSEDCL). MSEDCL forwarded a copy of the Hon' ble High Court' s Order to the Commission under letter dated 16th September 2005. In its letter, MSDCL also submitted the opinion of its legal section as follows:

“The plain reading of the aforesaid order means that the Court is having knowledge that some technical difficulties may arise in providing uninterrupted electric supply to Court buildings in the State and in order to avoid or work out these difficulties, it has directed MERC to look into the matter. In case MERC rules that there are technical difficulties in



isolating Courts for supply of uninterrupted electricity, the State will have to provide generators for the Court buildings in the State. If in case, the MERC comes to the conclusion that such uninterrupted supply is possible, it may give necessary directions to the Distribution Company. It therefore, cannot be said that the order is applicable only in respect of Court buildings at Nagpur, but it is for all Court buildings in the State of Maharashtra. The only steps we have to take is to be bring the order to the notice of MERC for necessary directions.”

4. MSEDCL further submitted that most of the Court buildings are supplied from common/ mixed feeders, and separation of supply to Court buildings may not be practically possible due to technical difficulties, non-separation of feeders, way leave problems, etc. MSDCL also stated there was a possibility of other groups of consumers (Hospitals, Government offices, etc.) seeking similar relief, which may become difficult to comply with.

5. The Commission heard the matter on 30th September 2005. At the hearing, the Chief Engineer (Electrical), Public Works Department, Govt. of Maharashtra (GoM) stated that he had requested the Energy Department to bring this matter to the notice of the Law & Judiciary Department, GoM, since budgetary issues would be involved in case there are technical difficulties in isolating the Courts for uninterrupted supply of electricity.

6. On the Commission's query about the delay in placing the High Court directions before it (only on 16th September 2005), MSEDCL's representative admitted that MSEDCL had received the copy of the Order on 19th July 2005, and that there had been delay on its part. MSEDCL would approach the High Court seeking an extension in the period of implementation of the Order.

7. Considering the need for GoM's representatives from the Law & Judiciary Department (LJD) and the Energy Department to be present, the Commission adjourned the hearing and heard the matter further on 13th October 2005. In the hearing held on 13th October 2005, the GoM was represented by the Joint Secretary, L&JD and by the OSD, Energy Department. The representative of the L&JD submitted that they had only now become aware of the matter, and would have to undertake a detailed study to examine the cost of installing DG sets for all Court buildings in the State if MSEDCL was unable to give continuous supply to Court buildings. He added that there was a large number of Court buildings in the State, right upto Taluka level.

8. The representative of the L&JD also stated that, in case the cost of installing DG sets at all Court buildings in the State is estimated to be high, the High Court would be requested to permit implementation of the scheme in a phased manner, such that the High Court buildings are taken up first, and subsequently the District Courts and lower Courts. The representative of the Energy Department, GoM, stated that it is the responsibility of the owner / occupier of the respective buildings to provide DG sets if required. Thus, in the present case, the concerned Department of the GoM would have to do so. Further, if MSEDCL install DG sets, it would have an impact on the tariff for other consumers, which would not be appropriate.

9. In the above background, and considering the High Court Order and the various submissions made in these proceedings, the Commission finds and directs as follows:

- a) Since the MSEDCL has expressed its inability to supply electricity to the Court buildings in the State on a continuous basis due to the absence of dedicated/separate feeders connecting the Court buildings, the GoM has to make the necessary arrangements for installing DG sets at all the Court buildings in the State in terms of the High Court's directions, and may approach the High Court appropriately if it requires further time or for phase-wise implementation, etc.



- b) MSEDCL should assist and furnish the details to GoM as may be required to facilitate the provision of DG sets as above. MSEDCL should also ensure that, as and when feeder separation is done, this aspect of providing separate feeders for Court buildings should be addressed, wherever feasible. Further, in case there are any other exempted categories of users as per the Commission's Order dated 3rd August, 2005 (namely hospitals, public water works, railway traction loads, and continuous process industries on separate feeders) that are located in the same area, it may be ensured that the same separate feeder is used for supply to the Court buildings as well, as far as possible.
- c) The principle set out in the High Court directions is applicable to all the Licensees in the State. In case the need arises for load shedding in those parts of Mumbai outside the MSEDCL area, then a similar approach would have to be followed by the GoM for the Court buildings located there. Thus, other licensees should also take note of (b) above.

Sd/-
(S.B. Kulkarni)
Member

Sd/-
(A. Velayutham)
Member

Sd/-
(Dr Pramod Deo)
Chairman, MERC



(A.M. Khan)
Secretary, MERC

