

COURT-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 21 of 2016
(Connected with DFR No. 2430 of 2015)

Dated: 02nd March, 2016

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:-

Municipal Corporation of Greater Mumbai **... Appellant(s)**
Versus
Maharashtra Electricity Regulatory Commission & Ors. **... Respondent(s)**

Counsel for the Appellant(s) : Mr. Harinder Toor, Mr. R.Dubal,
Mr. R.D.Patsute and Mr. Siddharth
Agarwal

Counsel for the Respondent(s) : Mr. Venkatesh and Mr. Shashank
Khurana, Mr. Buddy A. Ranganadhan
and Mr.D.V. Raghu Vamsy for R.1

Mr. Hasan Murtaza for RIL

Mr. C.S. Vaidyanathan, Ms. Poonam
Verma, Mr. Abhishek Munot, Mr. Kunal
Kaul and Mr. Akshat Jain for Tata
Power

ORDER

IA No.473 of 2015, seeking leave to file appeal in DFR No.2430 of 2015 has been filed by the applicant/appellant, namely Kamlesh Lalji Gaglani, a domestic consumer, claiming himself to be an 'aggrieved person' against the Impugned interim Order. Another IA, being IA No.474 of 2015, in this DFR seeking waiver of Court Fees has also been filed.

IA No.475 of 2015 in DFR No.2377 of 2015 has been filed by the applicant/appellant, namely Harishchandra Yaswant Govalkar, also a domestic consumer.

In both these DFRs, being Nos. 2430 and 2377 of 2015, both these applicants/appellants claim themselves to be aggrieved person submitting that no opportunity of hearing was given to them by the State Commission before passing the Impugned interim Order.

Appeal No.296 of 2015 has been filed by Reliance Infrastructure Ltd., a distribution licensee of the same area, submitting that Reliance Infrastructure Ltd.

has been heard at length by the Commission, then the Impugned interim Order was passed but the main grievance is that the Impugned Order is in contravention of relevant sections 14 and 15 of the Electricity Act, 2003 and the State Regulations framed there under.

Appeal No.21 of 2016 has also been filed by another distribution licensee, namely Municipal Corporation of Greater Mumbai (BEST) which is not permitted to grant open access, against the same Impugned interim Order.

We have heard Mr. Salim Inamdar, learned counsel for the applicant/appellant in DFR No. 2430 of 2015 and Mr. Hemant Singh, learned counsel for the applicant/appellant in DFR No.2377 of 2015. We have also heard Mr.J.J.Bhatt, learned Sr. counsel for Reliance Infrastructure Ltd. on the point of admission in Appeal No.296 of 2015 and Mr. Harendar Toor, learned counsel for the appellant in Appeal No.21 of 2016 at length.

All the points raised by the applicant/appellants in these four matters have been opposed to by the learned counsel for the respondents namely, Mr. Buddy A. Ranganadhan for the State Commission and Mr. C.S.Vaidyanadhan, learned Sr. counsel appearing for Tata Power, a respondent. The main objection of the respondents namely, Tata Power and the State Commission is that out of the applicants/appellants, two of whom are domestic consumers and other two are distribution licensees of the area, are not 'aggrieved persons' in real sense as provided under Section 111 of the Electricity Act, 2003 and these appeals cannot be legally entertained or admitted.

The gist of the arguments is that Tata Power Co. Ltd. had originally filed a Petition for grant of distribution license in the said area along with network rollout plan before the State Commission. The learned State Commission, while granting the license to Tata Power had put a condition that revised network rollout plan be filed, meaning thereby that the network rollout plan filed with the main Petition, whereby the grant of license was sought by Tata Power, had been rejected. It is thereafter that the Tata Power who is a respondent in these four matters has filed Petition, a Case No.182 of 2014 for seeking approval of revised network rollout plan in compliance of directions of the State Commission in Case No.90 of 2014, relating to grant of its distribution license. The Impugned interim Order passed therein is under challenge by the aforesaid four applicants/appellants. After hearing all the parties at length, on the validity or legality of the Impugned Order and also on the point of 'aggrieved party', we **reserve the order in these matters.**

The same is hereby **Reserved.**

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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