

Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Dated:25th Mar,2014

**Present: HON'BLE MR. JUSTICE M KARPAGA VINAYAGAM,
CHAIRPERSON
HON'BLE MR. RAKESH NATH, TECHNICAL MEMBER**

Appeal No. 48 of 2013

**Paschim Gujarat Vij Company Limited.,
Corporate Office,
Nana Mava Main Road,
Laxminagar,
Near Bhaktinagar Railway Station
Rajkot, Gujarat-360 004**

... Appellant

Versus

- 1. Gujarat Electricity Regulatory Commission
1st Floor, Neptune Tower,
Ashram Road,
Ahmedabad-380 009**
- 2. Rolex Rings Pvt Limited.,
Gondal Road, Village: Kotharia,
District: Rajkot,
Gujarat-360 004**
- 3. Madhya Gujarat Vij Company Limited.,
Sardar Patel Vidyut Bhavan,
Race Course,
Vadodara-390 007**

4. **Dakshin Gujarat Vij Company Limited.,
Kapodara, Nana Varachha Road,
Surat-395 006**

5. **Uttar Gujarat Vij Company Limited.,
Corporate Office, Visnagar
Mehsana-384 001**

6. **Torrent Power Limited.,
Torrent House,
Off.Ashram Road,
Ahmedabad-380 009**

7. **Torrent Power Limited.,
Surat (TPL-S)
'Torrent House', Station Road,
Surat-395 003**

8. **Kandla Port Trust,
Nisomess Development Cell,
PO Box No.50, Administrative Building,
Gandhidham, Kutch
Gujarat-370 201**

9. **MPSEZ Utilities Pvt Limited.,
Adani House,
Near Mithakhali Circle
Navrangpura,
Ahmedbad-380 009**

10. **Jubilant Infrastructure Pvt Limited.,
24-25/39-40, 1st Floor,
Shri Rang Palace,**

**Rang Multiplex, Zadeshwar Road,
Bharuch-392 012**

**11. Synefra Company Limited.,
Survey No.26, Village Pipaliya,
Taluka Waghodia,
Distt-Vadodara-391760
Gujarat**

Respondent(s)

Counsel for the Appellant (s):

**Mr. Anand K Ganesan
Ms. Swapna Seshadri
Ms. Swagatika Sahoo**

Counsel for the Respondent (s):

**Mr.Prabjot Bhullar
Mr. Karan Bharihoke for R-2
Mr. Vishal Gupta
Mr. Kumar Mihir for R-6 & 7
Mr. M Rupera
Mr. Pratik for R-9**

J U D G M E N T

**PER HON'BLE MR. JUSTICE M. KARPAGA VINAYAGAM,
CHAIRPERSON**

1. Paschim Gujarat Vij Company Limited is the Appellant herein.
2. The Appellant, aggrieved by the Impugned Order passed by the Gujarat State Commission dated 10.12.2012 allowing the Petition filed by the Respondent, M/s. Rolex Rings Private Limited, the consumer by directing the

Appellant to permit the consumer to lay down its own electric supply lines across the public road.

3. The short facts are as follows:

(a) The Appellant is the Distribution Licensee in the State of Gujarat. The Gujarat State Commission is the First Respondent. M/s. Rolex Rings Private Limited., the consumer of the Appellant is the Second Respondent. The other Respondents are the other Distribution Licensees.

(b) Rolex Rings Private Limited, the Respondent has a manufacturing facility on an industrial land bearing Revenue Survey No.210 at village Kotharia, District Rajkot, Gujarat.

(c) Rolex Rings Private Limited, being the consumer of the Appellant has an existing 66 KV EHV connection from the Appellant Distribution Licensee. The consumer also owns other lands in the same village in the Revenue Survey No.206/1 as well as in Revenue Survey Nos.172 and 174.

(d) The **premises 'A'** is situated in Revenue Survey No.210, **premises 'B'** is situated in Revenue Survey No.206/1 and **premises 'C'** is situated in Revenue Survey Nos.172 & 174.

(e) Premises 'A' and 'B' are separated by a public road of 18 metres width. Premises 'A' and 'C' are separated by a public road of 12 metres width. The Public roads are belonging to the Gram Panchayat. Rolex Rings Private Limited earlier had an electric connection at Premises 'C'. However, this connection was disconnected at the request of M/s. Rolex Rings Pvt Limited on 10.8.2011 as they had intended to utilize the power supply from the existing connection at Premises 'A'.

(f) M/s. Rolex Rings Limited wanted to expand their manufacturing unit at Premises 'B' and 'C' and therefore planned to extend power supply from its existing consumer connection at the premises "A" to other premises "B" and "C" by laying down underground cables across the two public Roads.

(g) M/s. Rolex Rings applied to the Gram Panchayat for permission to lay down the electric cables across the Public Roads.

(h) Similarly, it applied to Chief Electrical Inspector on 12.8.2011 seeking approval for laying down electric cables from Premises 'A' to Premises 'B' and also from Premises 'A' to the Premises 'C'. Similar Application for permission for laying down cables on 12.8.2011 was sent to the Distribution Licensee, the Appellant also.

(i) The Chief Electrical Inspector after inspection approved the drawings on the condition that the Rolex Rings has to obtain a No Objection Certificate from the Distribution Licensee, the Appellant.

(j) After receipt of the Application sent by the Respondent consumer, the Appellant's vigilance Team on 26.8.2011 inspected the site and found to their shock that Rolex Rings had already laid down the underground cables through which it was supplying electricity from the Premises 'A' to Premises 'B' and 'C' without obtaining the permission from the Distribution Licensee.

(k) Since the Appellant found that there was unauthorized use of electricity, the electricity Connection to premises 'B' and 'C' was disconnected in pursuance of the decision taken in the proceedings under Section 126 of the Electricity Act, 2003 and Supplementary Bills were issued.

(l) Against this decision, the Rolex Rings filed an Appeal u/s 127 of the Electricity Act, 2003 before the Chief Electrical Inspector. The said Appeal was pending.

(m) At this stage, the Rolex Rings approached the State Commission and filed a Petition challenging the action taken by the Appellant against the consumer for the said unauthorized use of power and sought for

seeking for regularization of the power supplied from premises 'A' to premises 'B' and 'C'. The State Commission issued notice to the Appellant.

(n) The Appellant, on receipt of the said notice, appeared before the State Commission and raised the preliminary objection to the effect that the matter involved was an individual consumer dispute and the issue regarding the unauthorized use of electricity against the consumer was already pending before the Appellate authority under Section 127 of the Act, 2003 and that therefore, the Petition was liable to be dismissed as not maintainable. In addition to these points, the Appellant also raised several contentions in their reply with reference to the merits as well.

(o) Ultimately, the State Commission through the Impugned Order dated 10.12.2012 allowed the Petition filed by the Rolex Rings holding that a consumer can utilize the electric power supplied by a Distribution Company at its premises and lay down the electric lines for taking the electricity to its other premises across the public road with the permission of the owner of the road, approval of the Chief Electrical Inspector and clearance of the Distribution Licensee. On the basis of this finding, the State Commission directed the Appellant to give a clearance in favour of the consumer keeping in view of

the said findings of the State Commission given in the above order.

(p) Aggrieved by this Order of the State Commission the Appellant has filed this Appeal.

4. The learned Counsel for the Appellant has made the following submissions:

(a) The Impugned Order goes against the very scheme and object of the Electricity Act, 2003 with regard to the right of laying down electric supply lines. Under Section 12 of the Electricity Act, 2003, there is a prohibition for any person to undertake transmission or distribution of electricity unless such person obtains a license u/s 14 of the Electricity Act, 2003. The Distribution Licensee alone is a person authorized to operate and maintain a distribution system for supply of electricity. This function cannot be entrusted to the consumers.

(b) If the consumers are permitted to lay down their own electric supply lines across the public roads and properties of other persons, the purpose of a licensing provision to a distribution licensee would become meaningless. The State Commission has allowed the prayer of the Respondent consumer by giving a wrong interpretation for the term “premises”.

(c) The Tariff Order and Tariff Schedule of the State Commission itself recognized at the relevant time that the electricity supplied by a licensee can be used by the consumer only within a compact area and the premises of the consumer should not be intervened by any other property including the road belonging to any other authority. The State Commission through the Impugned Order virtually set aside its own Tariff Schedule and Tariff Order. This is against the law.

(d) The Rolex Rings, the consumer had applied for laying down the electric cables to the Chief Electrical Inspector as well as to the Appellant through the letters dated 12.8.2011. However, without waiting for the approval to be granted, the said electric lines were laid down by the Rolex Rings. Thus, the consumer approached the State Commission without clean hands seeking for the permission for laying down the cables even though the said cables were already laid down.

(e) During the period when the cables were laid down by the consumer, the specific stipulation in the Tariff Schedule prohibiting for such a thing was in force. Apart from that, without obtaining the permission from the competent authority, the consumer violated the tariff schedule and also the Regulations by laying down the cables. Hence, the State Commission ought not to have

entertained the Petition filed by the consumer. In the present case, while the cables were laid down, neither the permission from the Chief Electrical Inspector nor No Objection Certificate from the Appellant was obtained. Hence, the act of the consumer of laying down the underground cables is illegal. Without considering the said aspect, the State Commission passed the Impugned Order allowing the prayer of the consumer which is not valid in law.

5. In reply to the above submissions made by the learned Counsel for the Appellant, the learned Counsel for the Rolex Rings, the Respondent, has made the following points in justification of the Impugned Order:

(a) The underground cables were laid down by the consumer under bona fide belief that the permission of the local authority and the Chief Electrical Inspector were enough to go ahead with the works of laying down the cables even without clearance from the Distribution Licensee. They were not carried out with the intent to violate any law.

(b) Even though the State Commission prescribed the stipulation in the Tariff Schedule through the Tariff Order dated 6.9.2011 indicating that the electricity supplied to the consumer can be utilized only within the

compact area of the premises not intervened by any area or road belonging to others, the said stipulation has subsequently been deleted by the State Commission by the next Tariff Order dated 2.6.2012. Therefore, there are no restrictions to grant permission to lay down the cables under the area or property belonging to others.

(c) The Rolex Rings is only a consumer. It is not seeking to engage in the business of supply or distribution of electricity to any 3rd party. It proposed to seek extension of the supply at premises namely 'B' and 'C' belonging to the consumer for its own use only. Therefore, the State Commission has passed a valid order by correctly interpreting the term "premises" taking into account the Regulations, Supply Code and the Act.

(d) The State Commission has not given any blanket sanction to the consumers to lay down electric supply lines but only clarified that there is no restriction in the supply code to receive supply at premises which are adjoining and separated by the Public Road. Applying for separate connection for premises 'B' and 'C' would require setting up of additional infrastructure resulting in additional expenditure and wastage of the resources.

(e) The Appellant has taken a stand that the Rolex Rings has committed an illegal act of having laid down

the cables to extend the supply to other premises in different locations. The proceedings have been initiated against the consumer u/s 126 of the Electricity Act. As against these proceedings, the consumer had preferred an Appeal u/s 127 of the Electricity Act. The said Appeal has also been disposed of by the Appellate Authority during the pendency of this Appeal. Therefore, the proceeding u/s 126 and 127 of the Electricity Act would not stand in the way of granting the permission.

6. In the light of the above rival contentions, we have to consider and decide the issue with regard to the validity of the Impugned Order.
7. Before dealing with the issue in question, we will refer to the issues framed by the State Commission in the Impugned Order.
8. The State Commission has framed the following two issues for consideration:
 - (a) Whether the State Commission has the jurisdiction to decide on the consumer dispute relating to the grievance of the consumer on an issue of interpretation of the provisions of the law relevant to the consumer dispute in question?
 - (b) Whether a consumer can be permitted to extend the power supplied to him at a premises by the

Distribution Company to his other adjoining premises intervened by a public road by laying down underground cables across the public road?

9. In regard to the **First Issue** regarding jurisdiction, the State Commission held that the issue raised by the consumer is not a mere dispute between the consumer and the Distribution Licensee which could only be decided by the Consumer Grievance Redressal Forum, but it relates to the issue relating to the interpretation of the relevant provisions of the Regulations of the State Commission for granting permission to the consumer to utilize the power from his existing connection at a premises for extending the supply to his adjoining premises by allowing him to lay down underground cables across the public road and that therefore, the State Commission has got the jurisdiction. Thus, the First Issue was decided in favour of the consumer holding that the State Commission has the jurisdiction. We are in agreement with the State Commission on the jurisdiction issue. As pointed out by the State Commission, since the matter is relating to interpretation of the provisions of the Electricity Act, 2003 and the Regulations, the State Commission has the jurisdiction to decide the matter.
10. In regard to the **Second Issue**, the State Commission had to decide as to whether the consumer can extend power

supply received from the Distribution Licensee at one premises to another adjoining premises owned by it across the public road by laying underground cables. This issue also has been decided in favour of the consumer after rejecting the arguments of the Appellant, the Distribution Licensee.

11. Let us now quote the discussion and findings rendered by the State Commission in the Impugned Order on this issue:

“12.2.5 The relevant issue to be addressed by us is whether a consumer can utilize power supplied to him at his premises by a distribution licensee at adjoining premises owned by him by laying underground cable across public road. The dispute between the petitioner and the respondent PGVCL has arisen in the context of a stipulation in the tariff schedule issued by GERC vide order dated 6 September 2011 in case No. 1102 of 2011 consequent upon a petition filed by PGVCL. It states:

“The energy supplied under these tariffs can be utilized only within the compact area of the premises not intervened by any area/road belonging to any authority other than the consumer”.

The above stipulation apparently means that a consumer can utilize the power supplied to him by the distribution licensee within the compact area of the premises not intervened by any area/road belonging to another person or authority i.e. not belonging to the consumer himself. There are two important aspects. First, the premises where the power can be utilized should be a ‘compact area’. Here the word ‘compact’

means that it is not intervened by any area /road belonging to other person or authority. If such road or area belongs to the consumer then there is no bar to utilize the power. Second, the problem arises only if the intervening area or road belongs to another person or authority other than the consumer which is the case here, the road intervening the premises belonging to the local authority. Hence, the question is whether the consumer can lay cable and utilize the power on the other side of the road on his own or he can do so with the permission of the local authority. A rational interpretation could be that on his own the consumer cannot decide to take the power to the other side of the road, but he can do so with the permission of the owner. This seems to be the intention of the provision of the tariff order. It does not mean that the consumer cannot utilize the power even if the premises are adjacent except for the road and even if permission is granted by the local authority and the technical aspects are approved by the CEI. It may be noted that the latest tariff order of the Commission dated 2.06.12 in petition No. 1197 of 2012 does not include this stipulation. However, it is irrelevant to the present case because when the dispute arose the above provision was in existence.

12.2.6 The learned advocate for the petitioner argued –which appears logical - that the above condition means that the consumer is entitled to utilize the power supply under the relevant tariff in its premises irrespective of the area intervened by land and without seeking any additional permission from the licensee if the premises of the consumer are not separated by land belonging to some other person or by public road. If a consumer is owner of two or more parcels of land which are adjacent to each other and not separated by public road or by land of some other person, the consumer would be entitled to utilize the

electric power in its adjoining land. Therefore, it follows logically that if consumer is owner of two or more parcels of land which are adjacent to each other but separated by public road or by a parcel of land of some other person, the consumer would be required to obtain permission from the distribution licensees and also NOC from the authority that owns the public road or the person who owns the intervening land. Thus, the general condition No. 5 specified in the tariff schedule issued by the Commission does not put an absolute bar to utilize electrical power from the existing premises for adjoining premises intervened by public road or private land.

12.2.7 The main argument on behalf of the respondent was that the above cited general condition of the tariff schedule prohibits utilization of power supply on one side of public road to the other side even if the particular consumer owns land on both sides of the road. The learned advocate for the respondent contended that the above condition is consistent with the provisions of the supply code and the Electricity Act, 2003. He made reference to sections 12, 13, 14 and 15 of the Electricity Act, 2003 and argued that it is only those holding distribution license and transmission license for electricity could lay lines over public areas. He also cited section 67, 68 and 69 of the Act. These provisions provide for details and procedures to be followed for laying down electricity supply lines. The only exemption granted is to a generation company to lay down dedicated transmission lines.

12.2.8 The above provisions of the law cited by the respondent relates to licensing, functions of licensee, procedure for laying of lines for distribution and transmission network etc. Nowhere it is specifically stipulated that a consumer cannot utilize the power

supplied to him at more than one premises owned by him. The specific provision which permits an entity other than a licensee to lay down dedicated line is a captive generation plant. This is a major change in the Electricity Act, 2003 in contrast to the earlier legal framework. The whole idea is to liberalize certain activities in addition to generation. The Electricity Act, 2003 envisages private sector participation not only in generation but also in transmission and distribution. The idea of mentioning this aspect is that the philosophy of the Electricity Act 2003, unlike the earlier Act relating to electricity, is towards liberalization and participation of private sector. Hence, the various provisions need to be interpreted keeping this philosophy in mind. Interestingly, as mentioned in para 12.2.3 even prior to the Electricity Act, 2003, there are examples that the erstwhile GEB allowed consumers to lay down electric lines across public roads for utilizing power at the premises owned by the consumer on the other side of the road. This practice seems to have been continued in some cases till recently.

12.2.9 It may be worthwhile to look at the definitions of 'consumer' and 'premises' given in the Electricity Act, 2003.

12.2.9.1 Consumer is defined in Section 2(15) of the Electricity Act, 2003 as under:

“ “consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of

a licensee, the Government or such other person, as the case may be;”

As per the above definition, a person who is supplied with electricity for his own use by (i) the licensee or (ii) the government or (ii) by any persons engaged in the business of supply of electricity to the public under the provisions of the Electricity Act, 2003 and the premises which are connected to receive the above electricity owned by the person, is a consumer. Therefore, the definition stipulates that supply of the electricity must be received by the person either from licensee or government or a person who is authorized to supply the electricity as per the law. In the present case, the electricity supply received at one premises is extended by the petitioner to the other premises through laying cable across the road from the existing consumer No. 26413 to other premises which are separated by the public roads.

12.2.9.2 Premises is defined in Section 2(51) of the electricity Act, 2003 that reads as under:

“ “premises” includes any land, building or structure;”

The above definition is illustrative and not exhaustive. According to the definition, ‘premises’ includes land, building and structure. One can argue that a road is a structure. Even if it is not accepted as a structure, a road particularly an internal road can form part of ‘premises’.

The definition does not explicitly mention that a premise is a contiguous or compact area.

12.2.10. The above definitions particularly that of premises, indicates that premises includes land, building and structure. In other words, there is no clear

stipulation regarding the scenario where the premises has two parts intervened by a structure, land or road. However, the very fact that premises includes building and structure, the implication is that power supplied at one point can be utilized at another point even if it is intervened by a structure which can be a road. The same will hold even if one argues that a road is not a structure as analysed in the previous paragraph. The only issue is what happens if a road is owned by a public authority. The logical approach is that the consumer has to take the permission of the authority or person owing such road or the intervening land. This should not mean that a consumer can take power supply at one location and utilize at several other locations irrespective of the distance and number of intervening roads and parcels of lands. For that the Act has specific provision of licensing as rightly argued by the learned advocate for the respondent PGVCL. What is required is that the premises should be adjoining, even if not contiguous. This inference can be made because the definition of premises does not stipulate only land and does not say that it has to be contiguous. The very fact is that premises includes, in addition to land, building and structure, and that a road can be interpreted to be a structure – the argument holds even otherwise - leads us to an inference that a consumer can utilize the power supply at one point of his premises at one or more adjoining parts of the premises owned by him even if intervened by a road – private or public. If it is private road owned by him, there will not be any issue. If it is a public road all that he has to do is to take permission of the local authority, approval of the CEI regarding the technical aspects and no objection of the distribution licensee which supplies the power”.

12. The crux of the discussion and finding on this issue, is as under:

(a) The stipulation in the tariff schedule issued by the State Commission vide order dated 6.9.2011 regarding utilization of energy supplied under the tariff within the compact area of premises not intervened by any road/road belonging to any authority other than consumer does not put an absolute bar to utilize electrical power from the existing premises for adjoining premises intervened by public road or private land.

(b) The above stipulation has not been included in the latest tariff order dated 2.6.2012. However, this is not relevant to the present case as when the dispute arose, the above provision was in existence.

(c) Nowhere in the various provisions of the Electricity Act, 2003, it is specifically stipulated that a consumer cannot utilize the power supplied to him at more than one premises owned by him. The erstwhile Electricity Board prior to the Electricity Act, 2003 allowed consumers to lay down electric lines across public roads for utilizing power at the premises owned by the consumer on the other side of the road and that practice has continued in some cases till recently.

(d) The definition of the term "Premises" in the Electricity Act, 2003 is illustrative and not exhaustive and does not explicitly mention that a premise is a contiguous or compact area.

(e) A consumer can extend supply obtained from the distribution licensee to the adjoining premises owned by him even if intervened by a public road with the permission of the local authority, approval of Chief Electrical Inspector and no objection of the distribution licensee. However, the consumer cannot take the power supply at one location and utilize at several other locations irrespective of distance and intervening roads and parcels of land.

13. Thus, the State Commission has rendered findings on four aspects as under:

(a) A consumer can lay down an electric line to extend the supply obtained from the Distribution licensee at one premises to other adjoining premises owned by him even if the premises are intervened by a public road.

(b) The consumer is required to take the permission of the owner of the road, Chief Electrical Inspector and the Distribution Licensee of the area.

(c) The definition of the “premises” under the Electricity Act does not specifically stipulate that a premise is a contiguous or compact area. It cannot be said that two parcels of land owned by the consumer do not constitute one premises merely because the two premises are not contiguous but intervened by a public road.

(d) Extending power supply from one parcel of land to the adjoining parcel of land owned by the consumer by laying an electric line across the intervening Public road by the consumer with the approvals of the persons concerned as stipulated above is legal. It is illegal only when the cable is laid down over a number of roads and parcels of land.

14. Having regard to the rival contentions of the parties and keeping in view of the findings of the State Commission, the main questions which have to be considered and decided in this Appeal are as follows:

(i) “Whether the State Commission can permit a consumer or direct the Distribution Licensee to permit its consumer to lay down underground cable from one parcel of land to the other parcel of land owned by the consumer but intervened by a public road in order to extend the power supply received from the Distribution licensee at one parcel of land?”

(ii) Whether a Consumer can avail a single electric connection for two adjoining premises owned by it if the two premises are separated by a public road?

15. Since the above issues are inter connected, they are being dealt with together.
16. In the process of answering the above questions, the learned Counsel for the Appellant has raised the following four points in order to substantiate his plea that the Impugned Order is not valid in law:

(a) The action of the Rolex Rings laying down the underground cables through the public road to extend the supply to its other premises situated in the other locations is contrary to the specific stipulation in the tariff schedule framed in the Tariff Order passed by the State Commission under the Electricity Act, 2003. Therefore, the prayer of the consumer to allow him to lay down the cables across the public roads to extend the supply of electricity to other locations belonging to the consumer could not be maintained.

(b) The laying down of the underground cables by the consumer crossing the public roads belonging to the other authorities would go against the scheme and objectives of the Electricity Act and the Regulations framed by the State Commission. This lies in the exclusive jurisdiction of the Distribution Licensee. The State Commission could not allow the consumer to take the role of a Distribution Licensee.

(c) The conduct of the consumer in approaching the State Commission without clean hands with a prayer for the permission to lay down the cables even after having already laid down the cables is not bona fide and therefore, the consumer is not entitled to get the relief from the State Commission.

(d) Even as per the Impugned Order, the cables cannot be laid down by the consumer without the permission of the Distribution Licensee. Therefore, the action of the consumer of having already laid down the cables without obtaining such permission from the Distribution Licensee is illegal. Hence, the State Commission could not direct the Distribution Licensee to grant permission to the consumer who already illegally laid down the cables without the clearance of the Distribution Licensee. Therefore, the finding of the State Commission and the consequent direction is not sustainable under law.

17. Let us deal with these points urged by the Appellant one by one.
18. The **First Point** raised by the Appellant relates to the specific stipulation mentioned in the tariff schedule of the Tariff Order.

19. According to the Appellant, when the tariff schedule contained in the tariff order fixed by the State Commission recognized the stipulation to the effect that “the energy supplied under these tariffs can be utilized only within the compact area of the premises not intervened by any area/road belonging to any authority other than the consumer”, the consumer cannot be allowed to lay down the cables or to use the electricity connection at two premises which are separated by the public road or property belonging to the other authority or the third party.
20. There is no dispute in the fact that when the dispute in question arose, the stipulation contained in the tariff schedule was prevalent under the tariff order.
21. The above stipulation of the tariff order was passed by the State Commission on 6.9.2011 in case No.1102 of 2011 on the Petition filed by the Distribution Licensee, the Appellant.
22. The above stipulation apparently means that a consumer can utilize the power supplied to him by the Distribution Licensee only within the compact area of the premises not intervened by any area or road belonging to any other person or any other authority. If the premises are intervened by any other area or road belonging to other party, the consumer cannot be permitted to utilize the power for other premises.

23. It is true that in the subsequent tariff order passed by the State Commission dated 2.6.2012 in Petition No.1197 of 2012 this stipulation was deleted. But, that will not affect the validity of the said stipulation which was prevailing then when this dispute arose.
24. Even according to the State Commission, the subsequent tariff order passed on 2.6.2012 would not be relevant in the present case because when the dispute arose, only the Tariff Order dated 6.9.2011 providing the said stipulation was in existence. Therefore, the question as to whether the consumer could have laid the underground cables crossing the public road by virtue of the tariff order dated 2.06.2012 would not arise in the present case, as there was a prohibition when the dispute arose.
25. Admittedly, when the Application was sent by the consumer to the Distribution Licensee seeking for a permission to lay down underground cables, the tariff schedule issued by the State Commission dated 6.9.2011 providing the specific stipulation that the energy supplied to the consumer can be utilized by the consumer only within the compact area of the premises of the consumer was in existence. Admittedly, the premises in "A", "B" and "C" are not within a compact area. Hence, the prayer of the consumer for permission to lay down the cables to extend the supply the electricity to its other premises situated in other locations

was not maintainable on the date of its Application seeking for such permission.

26. Even the State Commission in the Impugned Order admitted that when the electric lines were laid and electricity connection extended by the consumer in the year 2011 to his other premises, the tariff schedule containing the specific stipulation was in existence. As stated above, the State Commission further admitted that though the said stipulation in the tariff schedule has been deleted by the subsequent tariff order, the said deletion was irrelevant to the present case as the impugned act of laying down the cables was committed by the consumer while the earlier tariff schedule was in existence.
27. In this context, it is worthwhile to refer to the relevant events which took place before filing the Application by the consumer before the State Commission:
- (a) The Rolex Rings has an industrial unit manufacturing rolled rings in Revenue Survey No.210 in the village Kotharia. This is premises "A".
 - (b) The Rolex Rings had applied for electricity connection from the Appellant Paschim Gujarat Vij Company Limited, the Distribution Licensee.
 - (c) Accordingly, the electricity connection was given to the Rolex Rings. Rolex Rings set up required

infrastructure in the said premises. Rolex Rings owned two other premises in the nearby locations in which the premises "B" and "C" are situated.

(d) The premise "B" is situated in Survey No.206/1 and premise "C" is situated in Survey No.172 and 174. The premises "A" and "B" and "A" and "C" are separated by public road.

(e) Premise "A" and "B" are separated by a public road of 18 meters and Premises "A" and "C" are separated by a public road of 12 meters. The Rolex Rings had intended to extend the power supply from the existing electric connection at the premises "A" to its other premises "B" and "C" since it planned to expand its manufacturing units at these premises. Hence, it applied to take steps for connecting these premises by laying down the underground cables. Therefore, the Rolex Rings applied to the Gram Panchayat for laying down the underground cables from the premise "A" to "B" and "A" to "C" through the public roads. Accordingly, the Gram Panchayat granted the permission on 11.8.2011.

(f) Similarly, the Rolex Rings sent an Application to the Appellant, the Paschim Guj Vij Company Limited, the Distribution Licensee on 12.8.2011 for approval for

laying down the cables from premises “A” to “B” and “C”.

(g) On the very same date i.e. 12.8.2011, the Rolex Rings applied to Chief Electric Inspector for approval of the drawings for laying the said underground cables.

(h) On 7.9.2011, the Chief Electrical Inspector approved the drawings submitted by the Rolex Rings for laying the cables but on the condition that the works of laying down of the cables shall be carried out by a licensed contractor after Rolex Rings obtains a No Objection Certificate from the Distribution Licensee, the Appellant.

(i) In the meantime, on receipt of the Application sent by the Rolex Rings, the Distribution Licensee, the Appellant sent a Vigilance Team to make a spot inspection.

(j) On 26.8.2011, the vigilance team made a spot inspection and found that the Rolex Rings had already laid down the lines and began to supply the electricity from premises “A” to “B” and “A” to “C”. Since they found that there was unauthorized use of electricity for the premises “B” and “C”, the Distribution Licensee

initiated the proceedings u/s 126 of the Electricity Act, 2003.

(k) On the basis of the documents made available to the Appellant and also after the spot inspection, the Appellant sent a communication to the Rolex Rings on 7.9.2011 rejecting the permission as requested by Rolex Rings to lay down the cables since the premises were intervened by the public roads as extension of power supply across the public road is prohibited by the Tariff Schedule.

(l) On receipt of this letter, the Rolex Rings approached the State Commission and filed Petition seeking for the correct interpretation of the Regulations applicable in the issue and for giving an appropriate direction to the Distribution Licensee for granting No Objection Certificate.

(m) Thus, the Cause of Action for the consumer to file a Petition before the State Commission seeking for suitable direction to the Distribution Licensee was the letter of the Distribution Licensee dated 7.9.2011 rejecting the permission to lay down the underground cables as requested in the Application dated 12.8.2011 on the basis of the Tariff Schedule

prevalent during that period. The said letter dated 7.9.2011 is as follows:

PGVCL/R&C/6392

07.09.2011

To,
M/s. Rolex Rings Pvt. Ltd.,
Village Kothariya,
Dist Rajkot – 360 004.

Sub : Permission for underground cable laying.
Ref : Application dtd. 12.08.2011.

Dear Sir,

With reference to above, as per your application and as confirmed by our SE, City Circle Office, Rajkot that the road passes from existing land survey no. 210 is public road (external road). Since as per the tariff schedule approved by GERC, tariff which is applicable to your connection is applicable for the compact premises and should not be intervened by public road or any other premises therefore; your application can not be entertained.

This may please be noted.

Thanking you,

*Yours faithfully,
Sd/-
(J.B. Parekh)
Addl. Chief Engineer (R&C)
PGVCL, Rajkot*

Copy FWCs to:

1. The CE (Tech), PGVCL, Corporate Office, Rakjot.

(n) The contents of this letter would indicate that the Distribution Licensee rejected the request of the consumer on the ground that the Tariff Schedule contained in the Tariff Order passed by the State Commission would not permit the consumer to extend supply from its premises to his any other premises intervened by the public road or any other premises.

(o) This rejection letter was issued by the Distribution Licensee on 7.9.2011 rejecting the application sent by the consumer. So, this tariff schedule referring to the above stipulation was in force on the date when the Application was rejected on 7.9.2011. It is true that this stipulation in the Tariff Schedule was deleted in the subsequent Tariff Order on 2.6.2012 but the stipulation was prescribed in the earlier order on 6.9.2011. As such, the request made by the Rolex Rings to seek permission for laying down the cables from one premises at one location and another premises at another location intervened by the public roads could not have been entertained in view of the stipulation prescribed in the Tariff Schedule which was issued in the Tariff Order on 6.9.2011. Admittedly, the Petition was filed by the consumer before the State Commission on 2.2.2012. So, during the period when the application filed before

the Distribution Licensee was rejected i.e. on 7.9.2011 and when the Petition was filed before the State Commission on i.e. 2.2.2012, the said Tariff Schedule dated 6.9.2011 was in force. Therefore, in terms of the said Tariff Schedule prescribed in the Tariff Order passed on 6.9.2011, Rollex Rings was not entitled to extend electric supply from premises 'A' to premises 'B' and 'C'.

28. The above factual details would reveal that once this tariff schedule which provides the prohibition that the premises cannot be intervened by any area of road belonging to any other authority was in force at the relevant time, the question of consumer using the electricity over two parcels of the land intervened by the public road would not arise. This means that at the relevant time, the consumer could not be permitted to lay down the cables to give connection to its premises at different locations across the public road even when it obtained permission from the owner of the land.
29. In other words, the State Commission cannot amend the tariff schedule which was earlier fixed in the tariff order with retrospective effect by reviewing the same.
30. So, the first point urged by the Appellant is decided accordingly in favour of the Appellant.

31. Now let us come to the **2nd point** urged by the Appellant relating to the laying down of the cables by the consumers over public spaces which would be against the scheme and objective of the Electricity Act and Regulations.
32. According to the Appellant, the permission granted to the consumer or directions issued to the Distribution Licensee to give permission to the consumer to lay down the cables over public road would defeat the objective of the Act and the Regulations.
33. Let us now deal with this aspect.
34. Section 12 of the Electricity Act,2003 provides for the license to be obtained for transmission, distribution and for trading. As per Section 12, no person shall (a) transmit electricity (b) distribute electricity and (c) undertake trading in electricity unless he is authorized to do so by a licence issued u/s 14 of the Electricity Act. Thus, Section 12 provides for a prohibition for any person to undertake the distribution of electricity unless he is a licensee. However, in the present case, we are only concerned with extension of power supply by a consumer from a premise to his adjacent premises separated by a public roads for his own use.
35. A Distribution licensee is a person authorized to operate and maintain a Distribution System for supply of electricity. The

definition of the Distribution Licensee is given u/s 2 (17) which is as follows:

“ 2(17) “Distribution Licensee” means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;”

36. This definition would refer to the authorization to operate and maintain the Distribution System for supplying electricity to the consumers. A Distribution System is defined as under:

“2(19) “Distribution system” means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;”

37. The purpose of the Distribution Licence is to establish, operate and maintain electric supply lines to enable the conveyance of electricity to the premises of the consumers. So, the Distribution System relating to the wiring and establishing the associated facilities only related to the functions of the Distribution Licensee and not of the consumers.

38. The term “consumer” is defined in **Section 2(15)** as under:

“consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under

this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be.”

39. The above definition would indicate that the consumer has to be supplied with electricity by the licensee, Govt or any other person engaged in the business of electricity under the law. The consumer includes a person whose premises are connected for the purpose of receiving electricity with the works of a licensee or the Government or any other person engaged in business of supplying electricity under the law. The consumer availing supply from a distribution licensee cannot extend the same to another consumer by laying wires. However, in the present case, the consumer, the Respondent No.2, has extended supply for its own use to his adjacent premises separated by a public road.
40. The term “Premises” is not defined in an exhaustive manner but only provides that the premises would include any land, building or structure. The ‘street’ has been defined under the Act to include any road, lane, square, court, alley, passage or open space, whether a thoroughfare or not over which the public have a right of way, etc. Thus, if there is a private road within the premises of a consumer owned by the consumer in which supply is directly obtained from the distribution licensee, it

would be considered as the same premises and the consumer can lay wires across the private road to extend power supply from one part of the premises to the other part of the premises across the private road. However, if the two parcels of land owned by the consumer are separated by a public road or street, these have to be considered as two separate premises. In such a case, the consumer cannot extend the power supply obtained from the Distribution licensee in one premises to another premises as these are two different premises even though owned by the same person and used for running the same business.

41. In the present case, the premises 'A' & 'B' and 'A' & 'C'; are separated by public road or street. Thus, the consumer is not authorized to lay down electric supply line across the public road or street in order to extend power supply from premises 'A' to 'B' and 'A' to 'C'. Only the Distribution licensee is authorized to lay down electric supply line across the public road or street from premises 'A' to 'B' and 'A' to 'C'.
42. The State Commission while interpreting the term "Premises" has held that the term "Premises" would include any two parcels of adjoining land owned by the consumer even if intervened by a public road and consumers can utilize the power taken from the distribution

licensee at one parcel of land by drawing electric lines to extend the power to the other premises by laying down the cables across the intervening public road with the permission of the owner of the road, approval of the Chief Electrical Inspector and no objection of the Distribution Licensee.

43. By this finding, the State Commission gave a ruling that it would be open to a consumers to lay down its own electric cables across the public road or street so long as the permission of the owner of road, the approval of the Chief Electrical Inspector and the no objection of the Distribution Licensee is obtained.
44. This interpretation cannot be considered to be valid interpretation since it is not in line with the provision of the Electricity Act.
45. The State Commission has given a wrong interpretation that the term "Premises" includes all pieces of land owned by a person irrespective of the fact whether such lands are contiguous or not and are separated by public roads.
46. The term 'Premises' is only defined to include land, building or structure. Public road cannot be taken as a part of 'premises' since the term 'Street' has been separately defined. Therefore, the Public road cannot be taken to mean as part of 'premises'.

47. The interpretation given by the State Commission in the Impugned Order would mean that a person owning two parcels of land on two distinct locations intervened by the public roads and private properties, is entitled to lay down its own electric supply lines from one premise to the other premises situated in different locations without getting any licence under the Electricity Act, 2003. This cannot be the intention of the Electricity Act, 2003.
48. The Electricity Act through Section 67, 68 and 69 provides for an extensive mechanism and procedure to be followed for laying down electric lines, including obtaining permission from land owner, District Magistrate etc., These provisions would indicate the intention of the Act is to provide the right and entitlement to the Distribution Licensee to lay down electric lines over public properties or private properties subject to the conditions specified for laying down the distribution system.
49. It has been pointed out by the learned Counsel for the Appellant that the Impugned Order giving permission to the consumer and giving a direction to the Appellant to give clearance to lay down the cables over the public area to extend supply to different premises in different locations is contrary to the supply code Regulations framed by the State Commission.

50. Let us examine the Supply Code. In fact, the Supply Code framed by the State Commission provides for procedure for extension and alteration in supply.
51. The relevant Supply Code Regulation is as follows:

5.9 EXTENSION AND ALTERATIONS

5.9.1. After the Supply of energy has commenced, should the consumer desire to have addition/alteration/ modification of equipments/apparatus on his Premises, he shall submit the details of requisite supply in the application form attached hereto (Annexure A-I or A-II, as may be applicable), where after the Distribution Licensee shall submit to the consumer an estimate of the cost to be borne by the consumer for such alterations in the service line, service apparatus, meters, etc, as may be estimated by the Distribution Licensee .

5.9.2. After the Consumer has deposited the amount of the estimated cost of alterations and has complied with such other conditions as may have been notified to him, the Distribution Licensee shall carry out the necessary work of alteration to the service line etc. In the meantime, the Consumer, on completion of such additions in the installation as may be necessary, shall arrange for the submission of his licensed electrical contractor's completion and test report of the installation added of this report, the Distribution Licensee shall inspect and test the extension in the Consumer's installation prior to switching on power Supply to such extension".

52. The above Regulation 5.9.1 specifically provides that an Application is required to be made by the consumer to the

Distribution Licensee for any addition, alteration or modifications of apparatus connected on the premises of the consumer.

53. When these are the principles prescribed under the Regulations, then it goes without saying that the consumer Rolex Rings has not only violated specific stipulation contained in the Tariff Schedule of the State Commission which was prevailing in the relevant period but also contravened the provisions of the Supply Code Regulations as mentioned above in having already extended the supply from premises 'A' to premises 'B' and 'C' even without the prior consent of the distribution licensee.
54. The State Commission was also wrong in developing the concept of adjacent land but not contiguous land to enable the consumers to lay down its own electric supply lines over properties belonging to third parties. The State Commission on the one hand interpreted the term 'Premises' to include two parcels of land which are not contiguous and are separated by the street or properties belonging to third persons and on the other hand it interpreted putting an implied condition that intervening properties should not be too much apart from each other. Thus, the interpretation given by the State Commission is not in line with the provisions of the Electricity Act, 2003.

55. However, as held by us, the Distribution Licensee can extend supply from one premises of the consumer to the adjoining premises owned by the consumer across a street. Under certain circumstances, extension of supply from the existing connection of a consumer in a premises to another premises may be necessitated to avoid laying down of distribution infrastructure from the sub-station of the licensee particularly for an HT/EHT consumer. Extension of supply from one connection at a premises to another adjacent premises owned by the same consumer may be warranted in a situation where the distribution mains/network of the Distribution Licensee are not available near the premises where the electricity supply has to be extended and extending new connection would involve laying of new line and/or establishment of a new sub-station and related infrastructure for extending the supply to HT/EHT consumer from the existing sub-station of the Distribution Licensee involving additional investment in creating the additional infrastructure and time.
56. The Electricity Act provides for the Distribution licensee to develop and maintain an efficient co-coordinated and economical distribution system. The Distribution Licensee is also required to extend supply to any premises within one month of the receipt of the application requiring such supply according to the Electricity Act and the Regulations.

However, where such supply requires extension of distribution mains or commissioning of new sub-station, the supply has to be extended within such period as specified by the State Commission. The State Commission has already provided for stipulations in this regard in the Regulations. However, in this case, where laying of new infrastructure involves time and huge cost and extension of supply from adjoining premises of the consumer is possible then the Distribution licensee on the request of the consumer may extend the existing supply across the street to avoid laying of additional infrastructure at additional cost and loss of time in extending the supply treating both the premises as one consumer if the purpose of supply in both the premises is the same and the ownership is the same. The State Commission has also deleted the condition for extension of supply in one compact premises by its subsequent tariff order dated 2.6.2012 and therefore, there is no restriction now for the Distribution licensee to lay down cable from one premises of the consumer to the adjacent premises across the public road.

57. The **3rd and 4th Issues** relate to the **conduct of the consumer in not acting in a bona fide manner and in not approaching the State Commission with clean hands.**

58. According to the Appellant, the decision of the State Commission in the present case would amount to legalizing an illegal act which has already been committed by the Rolex Rings.
59. It cannot be debated as admitted by the Rolex Rings, the consumer had electrical connection from the Distribution Licensee only for one premises i.e. premises "A" and decided to extend the supply from that said premises to the other premises namely premises "B" and "C".
60. Rolex Rings on 11.8.2011 applied to the Gram Panchayat and obtained the permission for laying down the cables under the public roads. Similarly, it also applied to the Chief Electrical Inspector for approval of the drawings for laying out the cables.
61. On the same date i.e. on 12.8.2011, the Rolex Ring applied to its Distribution Licensee for permission for laying down the cables for extending the supply from premises "A" to "B" and "C".
62. On receipt of this application, the Distribution Licensee came and inspected the premises on 26.8.2011 and found that the Rolex Rings had already laid down the lines and began to supply the electricity from the premises "A" to "B" and "C". Therefore, the proceedings u/s 126 of the Electricity Act had been initiated and the findings have

been given against the consumer which resulted in the issuance of the supplementary bills. Even the Chief Electrical Inspector on 7.9.2011 though approved the drawings, specifically indicated to the consumer that No Objection Certificate has to be obtained from the Distribution Licensee before the inspection of the Chief Electrical Inspector for Approval.

63. Thereafter, the Distribution Licensee, the Appellant on consideration of the Application sent by the Rolex Rings on 12.8.2011 and other documents refused to grant such permission and sent the said intimation through the letter dated 7.9.2011 stating that such permission would be in contravention of the Tariff Schedule fixed by the State Commission.
64. These facts which are undisputed would make it evident that even before obtaining permission for laying down the cables from the Chief Electrical Inspector and the No Objection Certificate from the Distribution Licensee, the consumer had already laid down the underground cables across the public roads and began to supply to the premises "B" and "C" from the premise "A".
65. Even the Rolex Rings, admitting about the said act, has stated before this Tribunal that the consumer laid down the cables and began to supply even before seeking

such permission under the bona fide belief that the permission from the Distribution Licensee was not necessary. This explanation, which is belated, could not be accepted as a valid one.

66. As a matter of fact, on 11.8.2011, the consumer applied for permission from the Gram Panchayat. On 12.8.2011 the consumer applied for the permission both from the Chief Electrical Inspector as well as the Distribution Licensee by sending the Applications. These facts would show that the consumer knew about the procedure for getting the approval from the competent authorities including the Appellant.
67. Having known about the procedure and having sent the Applications seeking for permission from the persons concerned, the consumer cannot now contend that his earlier act of having laid down the underground cables, was bona fide.
68. The Appellant has alleged that the Respondent Rolex Rings had approached the State Commission without clean hands by not divulging the true facts. However, this may not be correct. We find that in the Petition filed by the Rolex rings before the State Commission, it was clearly indicated that they had extended the supply from premises 'A' to the adjacent premises even before the permission was granted by the

Chief Electrical Inspector with a bona fide belief that the permission would be granted in due course. Rolex Rings also brought to the notice of the State Commission about the inspection of the Vigilance Team of the Appellant and the demand raised by the Appellant through a supplementary bill for unauthorized use of electricity. However, the fact remains that the lines admittedly, were laid down by the Rolex Rings without waiting for the approval to be granted by the persons concerned. The Chief Electrical Inspector on 7.9.2011 specifically stated that the entire installation will have to be produced for inspection for approval only after obtaining the No Objection Certificate from the Distribution Licensee. But, even before this, the process of laying down underground cables has started. In other words, when the application for permission was under consideration of the Distribution Licensee, the cables had already been laid and supply to the other premises had already been commenced by the consumer which was discovered by the Vigilance Team of the licensee on 26.8.2011 which resulted in the initiation of the proceeding u/s 126 of the Electricity Act, 2003.

69. In these circumstances, it has to be held that the Rolex Rings have acted contrary to the specific conditions laid down in the Tariff schedule. However, against the action of Rolex Rings for extending supply by laying cable across the

public road, separate proceedings had been initiated by the Distribution Licensee and therefore, we would not like to give any specific finding on that issue which is the matter of a separate proceedings u/s 126 of the Act.

70. Therefore, the Impugned Order in the present case which is erroneous cannot be allowed to be sustained and the same is liable to be set-aside.
71. While in the present case, we hold that the consumer cannot extend supply from one premises to the other adjoining premises separated by the Public Road on its own, we want to make it clear that the Distribution licensee is authorized to extend power supply from one premises of the consumer to another premises owned by the consumer and intervened by a street which may be warranted under certain circumstances. In some cases of supply, particularly at HT/EHT, where the distribution system is not extensively developed, the situation may demand for the Distribution licensee to extend the supply from one premises to another premises of the consumer by laying electrical cable across a street in order to economize the cost of providing supply and to avoid laying infrastructure from the sub-station of the Distribution licensee to the adjoining premises of the consumer and also to save time. In case of HT/EHT supplies where extension of supply to adjoining premises of the consumer where distribution

mains or supply lines of the distribution licensee are not existing and it may require setting up a separate sub-station and/or laying down separate lines from a sub-station of licensee involving additional cost, the licensee at the request of the consumer can extend the existing supply from one premises to another premises of the consumer intervened by a street or public/private land, provided the premises are owned by the same consumer and used for the same purpose.

72. In the present case also Rolex Rings has obtained supply connection from the Distribution licensee at premises 'A' at 66 KV. It wants to extend supply to premises 'B' and 'C' at 11 KV without any addition in contract demand. Extending independent connections to premises 'B' and 'C' would involve laying down of new electric lines from the sub-station of the licensee over a long distance to premises 'B' and 'C' as the distribution mains and lines of the distribution licensee are not existing near premises 'B' and 'C', involving additional expenditure which according to Rolex Rings is 17 to 18 Crores.
73. The Distribution licensee has to develop an efficient and economical distribution system under the Electricity Act,2003. If extension of existing supply from a premises of the consumer to other premises of the consumer across the street results in avoiding of laying down new lines/sub-

station, then the distribution licensee should adopt the economical option.

74. At present, there is no restriction on the Distribution licensee to extend supply from one premises to the other premises of the consumer separated by a public road as the State Commission has already deleted the condition of 'Compact Premises' from the tariff schedule stipulated vide order dated 6.9.2011. Hence, it is now open to Rolex Rings to apply to the Distribution licensee for extending supply from premises 'A' to 'B' and 'C'. If such an Application is filed the Distribution licensee may consider it afresh without being influenced by its earlier decision and if the Distribution Licensee finds it feasible and economical, it shall extend the same.

75. We also direct the State Commission to frame suitable Regulations in this regard.

76. **Summary of Our Findings**

(i) The State Commission has jurisdiction in the issue which involves interpretation of the provisions of the Act and the Regulations.

(ii) Two parcels of land owned by a consumer which are not contiguous and are separated by a

public road or street have to be treated as two premises.

(iii) A consumer cannot extend the electric supply from an existing connection in a premises intervened by a public road or street to the other premises by laying down a cable across the street. However, if there is a private road within the premises owned by the consumer then the consumer can extend the power supply from one part of the premises to the other part of the same premises across the road.

(iv) However, the Distribution licensee can lay down electric line/cable across a street after following the procedure laid down in the Electricity Act to extend power supply from the existing connection of a consumer in a premises to another premises owned by the same consumer provided, the purpose for which supply is used is the same. Under certain circumstances where providing new connection to the premises of a consumer involves laying down of new line and/or setting up a new sub-station involving substantial cost and time, the Distribution Licensee may consider to extend supply from one premises of the consumer to the other premises separated by

a public road/public or private property if it is feasible technically and the purpose for which supply is used is the same. Hence, it is now open to the Rolex Rings to apply for the same. If such a request is made by Rolex Rings, the Distribution Licensee may consider to extend the said supply, if it is feasible and economical.

77. In view of the above, the impugned order is set aside. Consequently, the Appeal is allowed with the directions as referred to above.
78. No other as to costs.
79. Pronounced in the Open Court on this **25th day of March, 2014.**

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Dated: 25th Mar, 2014

~~√REPORTABLE/NON-REPORTABLE~~