

Sub: In the matter of directions to the respondent, M.P. Paschim Kshetra V.V.C.L. for permission to extend power from the existing connection to the new plot situated just opposite to the existing factory and both to be connected to each other through an underground pipe or overhead structure in view of the Secti on 2(51) of the Electricity Act, 2003 which defines “premises” includes any land, building or Structure.

ORDER

(Date of hearing: 8th March,2016)

(Date of order: 15th March,2016)

M/s Porwal Auto Components Ltd.,
209, Industrial Area, Pithampur,
District- Dhar

- Petitioner

M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd.,
GPH Compound, Polo Ground, Indore- 452 003

- Respondent No.1

M.P. A.K. V. N. (Indore) Ltd.,
Free Press Complex,
AB Road, Indore

- Respondent No.2

Shri Devendra Jain, MD of the company and Shri Ajay Porwal, Consultant appeared on behalf of the petitioner.

Shri P.K.Jain, ASE and Shri Anant Chaure, Law Officer appeared on behalf of the respondent no.1.

Shri S.K.Pal, EE appeared on behalf of the respondent no. 2.

2. The petitioner, M/s Porwal Auto Components Ltd., Pithampur has filed a petition seeking permission to extend power from the existing connection to the new plot situated just opposite to the existing factory and both to be connected to each other through an underground pipe or overhead structure in view of the Section 2(51) of the Electricity Act, 2003 which defines “premises” includes any land, building or Structure.

3. The case was listed for motion hearing on 24.11.2015. During the motion hearing, the petitioner restated the contents of the petition. The Commission admitted the petition for hearing and the next date of hearing was fixed for 15.12.2015, which was adjourned to 02.02.2016 and further to 04.02.2016 on the plea that the copy of the petition was not received by the respondent no.1. The respondent no.1 made a written submission on 25.01.2016. The hearing was again adjourned to 08.03.2016 on the request of the petitioner

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on the ground that its Electrical Consultant was out of station.

4. During the hearing on 08.03.2016, the respondent no.2 made a written submission and stated that the petitioner was allotted plot no. 215 in the Industrial Area, Pithampur and granted permission for horizontal drilling across the road for laying utility pipes for their industry. The petitioner also filed a copy of the “License to work a Factory” in the name of Shri Mukesh Jain, Occupier of M/s Porwal Auto Components Ltd. located at Plot No. 209,215, Industrial Area, Sector-1, Pithampur. The petitioner also stated that as defined in the Electricity Act, 2003 the word “Premises” includes any land, building or structure. This definition does not mention about the public road. The premises of water supply schemes and SEZ-I &II include public roads. In the instant case, the factory license and Registration are common for both the plots.

5. During the hearing, the respondent no.1 stated that two separate premises cannot be treated as one premises by laying cable to join the two plots separated by a public road. The public road is owned by the AKVN and the petitioner has no exclusive right to fence it and merge it in their allotted land. The plot nos. 209 & 215 are independent premises and cannot be treated as contiguous land, building and structure. Two distinct plots although occupied/leased by the same person, separated by the public road are always treated as two distinct premises. No public interest is involved. Merely issuing NOC/Permissions by the Central /State Government cannot be treated as the directions by the Central /State Government under Section 107/108 of the Electricity Act, 2003. The respondent no.1 prayed the Commission to dismiss the petition.

6. Having heard the petitioner, respondents and on considering their written submissions, the Commission has noted that the plot nos. 209 & 215 are separated by a public road and the petitioner was granted permission by the AKVN just for horizontal drilling across the road for laying utility pipes for their industry. Therefore, these two plots cannot be considered as

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one premises for the purpose of providing electric connection. The petitioner had filed copies of the following documents in support of the request for considering it as directions under Section 107/108 of the Electricity Act, 2003:

- (i) Acknowledgement of memorandum for the manufacture of some items in its unit at plot no. 209 issued by Public Relation & Complaints Section of the Ministry of Commerce & Industry dated 17.01.2006. (Annexure P-15)
- (ii) Acknowledgement of amendment to the aforesaid acknowledgement mentioning plot no. 215 in addition to the plot no. 209 issued by Public Relation & Complaints Section of the Ministry of Commerce & Industry. (Annexure P-16)

The Commission noted that the aforesaid acknowledgements cannot be treated as NOC/Permission/Registration etc. from the Departments of Central/State Government. Secondly, the Ministry of Commerce and Industry has no locus standi to direct the Commission to treat the two plots separated by a public road as single premises for the purpose of giving HT connection. Also, it is not in the domain of the Ministry of Commerce and Industry to adjudicate the subject matters relating to the Electricity Act, 2003. As such, aforesaid acknowledgements do not construe as a direction under Section 107/108 of the Electricity Act, 2003. Therefore, giving reference of the aforesaid documents for consideration of one premises is not only irrelevant but misleading too. Regarding premises of water supply schemes and SEZ, the Commission is of the view that SEZ is a deemed licensee and the water supply schemes are meant for distribution of drinking water to general public, which cannot be compared with the requirement of a specific industrial consumer. In a similar case, by order dated 2nd August, 2010 in Petition No. 76 of 2009, the Commission already held that the word “Premises” for the purpose of providing electricity connection would be as below:

“Premises: It shall include any continuous land, building or structure for which the Distribution Licensee has agreed to supply electricity to the consumer as per agreement executed.”

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In the instant petition, the plot nos. 209 and 215 are not continuous land.

7. Under the above circumstances, the Commission finds that this petition is not tenable under the provisions of the Electricity Act, 2003 and, therefore, the petition no. 59/2015 is dismissed.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman