

BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES  
ADANI ELECTRICITY MUMBAI LIMITED  
1<sup>st</sup> Floor, Devidas Lane, Off. S.V.Road, Near Devidas Lane Telephone Exchange,  
Borivali (West), Mumbai – 400103.  
E-mail : [Consumerforum.Mumbaielectricity@adani.com](mailto:Consumerforum.Mumbaielectricity@adani.com)  
Website : [cgrf.adanielectricity.com](http://cgrf.adanielectricity.com)  
Tel.No.:022-30094247

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Grievance Application No. 24/2018 Date : 23/07/2018

Ms. Celine Ferreira, Emmanuel / Carmel Cottage , R 11604-4, CTS 295, Ferreira  
Wadi, Gorai Main Beach, Borivali West, Mumbai 400091.

Account No. 152521872 & 152521874, Residential, North Division

Celine Ferreira ..... Applicant / Complainant

Adani Electricity Mumbai Ltd. (AEML) ..... Respondent / Utility

Order dated 01/12/2018 of the Hearing dated 30<sup>th</sup> October, 2018

PRESENT

1. Mr.Vilas Dikshit, Chairperson.
2. Mr.Rajiv Nakhare, Sr.Vice President (Adani Electricity Mumbai Ltd.)-Member.
3. Mr.Milind Gandbhir – Member , (CPO).

On behalf of M/s. Adani Electricity Mumbai Ltd. (AEML) present for Hearing  
dated 30/10/2018

1. Mr. Mritunjay Jha, Dy. General Manager (Corporate Legal) Nodal Officer)
2. Mr. Ankush Kamble, AVP, AEML
3. Mr. Ravindra Gholap, AVP, AEML
4. Mr. Satish Kasbe, General Manager, AEML

On behalf of the Applicant/Complainant present for Hearing dated 30/10/2018

1. Mr. Keith Crasto ( Representative of the Applicant/Complainant)

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Adani Electricity (AEML),

Contentions of the Applicant/ Complainant in short are as follows :

- i. It is submitted by the Applicant/Complainant that the applications for two electricity connections were made in November'2017.
- ii. The Applicant/Complainant stated that the Respondent company had carried out the inspection at site in November'2017 and she was received the letter dated 30/12/2017 by the Respondent and was asked to procure permission from MCZMA for excavation of ground for laying cables as site address falls under CRZ area.
- iii. The Applicant/Complainant further stated that she was then approached to MCZMA for permission for excavation but it was informed to her by the authority that their clearance was not required. MCZMA provided her a copy of decision taken regarding electricity applications from CRZ areas in their Meeting No.121 and also with a letter addressed to the Respondent Company intimating them of the same.
- iv. The Applicant/Complainant further stated that she had informed the Respondent vide letter dated 27/01/2018 about the meeting with MCZMA and submitted the copies of documentation provided by MCZMA to the Respondent.



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- v. The Applicant/Complainant further contended that even though the Respondent Company's distribution network has already reached the property next to her and MCZMA has clarified that their permission is not required, there is a delay in processing her application of new electricity meter connection.
- vi. The Applicant / Complainant prayed for releasing the new electric meter connection.

Nodal Officer's Contention on behalf of Respondent Company (AEML):

- vii. The Nodal Officer of the Respondent/Utility contended that the Complainant have no *locus standi* to file the present grievance as she is not the registered customer of the Respondent.
- viii. The Nodal Officer submitted that the new electricity connection is being processed and given to the applicant upon fulfillment of formalities by the applicant as provided under the Electricity Act, 2003 (EA'03) and Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 ( the Supply Code ).

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- ix. It is further contended that though the Complainant had applied for new electric connection on 27/11/2017 at her aforesaid premises but has not fulfilled the formalities as required under the provisions of the Electricity Act,2003 and regulations framed there under.
- x. It is submitted on behalf of Respondent that to provide electricity supply to the premises of the Complainant, there is requirement of laying cable from source up to the premises of the Complainant. The premises of the Complainant is situated in the Coastal Regulation Zone (CRZ) and hence permission of MCZMA and all other Authorities would be required to carry out any works in the CRZ area. The activities in CRZ area are being regulated by Coastal Regulation Zone Notification, 2011 Ministry Of Environment And Forests (Department of Environment, Forests and Wildlife) (hereinafter referred to as the Notification, 11). In view of the Notification, 11 the Respondent has asked the applicant/complainant to submit the permission. It is further contended that the premises of the Complainant is landlocked and hence NOC/ way leave of the respective land owners is required in absence of which it would not be possible to lay cable.
- xi. It is contended by the Nodal officer that requirement and other process for new electric connection have been informed and

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ADDITIONAL SECRETARY (AEM)

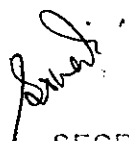
shared in person with the Complainant and her LEC/  
representative from time to time

The Nodal Officer further submitted that in view of the application of the Complainant, the Respondent sent a letter dated 05/05/2018 to the Assistant Municipal Commissioner R/ Central Ward MCGM, inter alia requesting him to provide NOC for laying cables, however we are yet to receive the permission. The Nodal Officer of the Respondent also submitted that laying of cable work can only be processed on submission of NOC and Way leave form by the Complainant.

- xii. The Nodal Officer of the Respondent denied all the allegations, contentions and submissions made against them in the complaint.
- xiii. The Nodal Officer of the Respondent further submitted that the Complainant has to fulfill all the formalities and obtain permissions and NOC to enable the Respondent to lay cable.

Being aggrieved by the Order passed by the IGR, the Applicant/Complainant preferred this application before this Forum.

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Adani Electricity (AEML)

Observations of the Consumer Grievance Redressal Forum :


- i. We have gone through the application of Applicant/Complainant, Nodal Reply and also the Order passed by the IGR. We have also heard the representatives of the Applicant/Complainant, the representatives of the Respondent/Utility and also the Nodal Officer.
- ii. It appears that it is the stand of the Respondent / Utility that they are willing to give the electric connection to the Applicant/Complainant but according to them, to provide electric supply to the premises of the Applicant/Complainant, there is a requirement of laying cable from the source upto the premises of the Applicant/Complainant. The Nodal Officer also submitted that the premises of the Applicant/Complainant is situated in the Coastal Regulation Zone (CRZ) & permission of MCZMA and all other authorities would be required to carry out any work in the CRZ area.
- iii. It is also the contention of the Nodal Officer that the premises of the Applicant/Complainant is landlocked and hence to lay the cable upto the premises of the Applicant/Complainant, it is necessary to obtain NOC/Way Leave of the respective Land Owner/s as the pillar i.e. source of supply from where the cable is to be fed, lies in the private plot belongs to the Applicant's adjacent land owner (neighbour) and in the absence of his permission, it would not be possible to lay the cable and

the adjacent land owner is not giving NOC to lay cable through his land. These are the two main problems which the Respondent/Utility is facing to give electric supply to the premises of the Applicant/Complainant.

iv. So far as the first problem is concerned, by this time, it is abundantly clear that the permission of MCZMA is not required to lay the cable to give electric supply to the premises of the Applicant/Complainant. Now, the only problem which the Respondent/Utility is facing that the Applicant/Complainant is, that they are not in a position to obtain the NOC/Way leave of the adjacent owner to lay cable through his land to give electric supply to the premises of the Applicant/Complainant. Hence, we would like to answer this question whether there is any remedy to this problem when the adjacent land owner is not giving NOC/Way Leave to lay the cable through his land in order to give electric supply to the premises of the Applicant/Complainant.

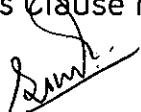
v. During the course of argument, the Applicant/Complainant drew our attention to the observation of the H'ble Supreme Court reported in the case of Shri Chandu Khamaru V/s. Smt. Nayan Malik & Others in Civil Appeal No.7572 of 2011 [Arising out of S.L.P. (C) No. 15332 of 2008]. It appears that the said matter went upto the H'ble Supreme Court as the Appellant therein was facing the same problem. In this reported case, the H'ble Supreme Court has dealt with Section 67(2) of the Electricity

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Act,2003 which deals with making the rules by the appropriate Government including the rule to specify the authority which may grant permission in the circumstance where the owner or the occupier objects to the carrying out of the work.

- vi. It appears that the State of Maharashtra published the Notification accordingly in the Government Gazette dated 16/05/2012. Clause # 3 of this Notification deals with the Provision "Licensee to carry out works". Proviso to this Clause reads as "*Provided that, in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall by an application obtain permission in writing from the District Collector or any other officer authorized by the State Government in this behalf, for carrying out the works.*" [ This Notification be treated as a part & parcel of this Order and for the sake of convenience it is marked as Annexure 'A']. The State of Maharashtra is pleased to issue this Notification in exercise of the powers conferred by Clause (b) of sub-section (2) of Section 180 *read* with sub-section (2) of Section 67 of Electricity Act,2003 (36 of 2003).
- vii. Even prior to this, the Government of India-Ministry of Power has issued the Notification in Gazette of India, Extraordinary on 18/04/2006. Clause # 3 of this Notification deals with the Provision "Licensee to carry out works". Proviso to this Clause reads as "*Provided that in case*

  
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*where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorized by the State Government in this behalf, for carrying out the works."* [ This Notification be treated as a part & parcel of this Order and for the sake of convenience it is marked as Annexure 'B']. The Government of India is pleased to issue this Notification in exercise of the powers conferred by Clause (e) of sub-section (2) of Section 176 read with sub-section (2) of Section 67 of Electricity Act,2003 (36 of 2003).

- viii. In view of the observation of H'ble Supreme Court in the case cited above and in view of these two Notifications are issued by the State of Maharashtra and another by the Government of India- Ministry of Power, this Forum feels that when the owner of the adjacent premises is not willing to give NOC/Way leave to lay cable through his land to give electric supply to the premises of the Applicant/Complainant, the Utility can take help of these two Notifications and can take step to obtain the necessary permission in writing on District Magistrate or the Commissioner of Police or any other officer authorized by the State Government.

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In view of this, we are inclined to allow the present application. Hence, the following Order is passed :

### ORDER

1. Application is allowed.
2. In case the Utility is unable to obtain the NOC/Way leave from the adjacent land owner, the Utility (Adani Electricity Mumbai Ltd.) is hereby directed to take necessary steps as early as possible in view of the Proviso to Clause 3 (b) of the Notification issued by the State of Maharashtra dated 16/05/2012 which is marked as Annexure 'A' in this Order in order to give connection to the premises of the Applicant/Complainant.
3. No Order as to cost.

Date : 01/12/2018.

Place : Borivali, Mumbai

sd/-

Vilas S. Dikshit  
Chairperson - CGRF

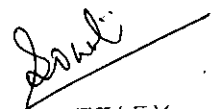
sd/-

Rajiv Nakhare  
Member - CGRF

sd/-

Milind Gandbhir  
Member (CPO) - CGRF

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# ANNEXURE A

RNI No. MAHRIL/2009/31733  
Reg. No. MH/MR/South-322/2010-12



## महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ

वर्ष ४, अंक १६]

बुधवार, मे १६, २०१२/वैशाख २६, शके १९३४

[पृष्ठ १२

किंमत : रुपये १४.००

असाधारण क्रमांक ५७

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT**

Madam Kama Marg, Hutatma Rajguru Chowk,

Mantralaya, Mumbai 400 032,

dated the 11th May 2012

**NOTIFICATION**

ELECTRICITY Act, 2003.

No. Niyam 2008/C.R. 217/NRG-3.—In exercise of the powers conferred by Clause (b) of sub-section (2) of Section 180 read with sub-section (2) of Section 67 of Electricity Act, 2003 (36 of 2003) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules :—

1. *Short title.*—These rules may be called the Maharashtra Electricity Work of Licensees Rules, 2012.

भाग चार-अ—५७-१

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Adani Electricity (AEML)

२ महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, मे १६, २०१२/वैशाख २६, शके १९३४

2. *Definitions.*—(1) In these rules unless the context otherwise requires,—

(a) "The Act" means the Electricity Act, 2003 ;

(b) "Authorised Officer" means an officer nominated by the Government of Maharashtra for deciding the issues, (related to Transmission and Distribution Licenses) ;

(c) "Commission" means Maharashtra Electricity Regulatory Commission constituted under section 82 of the Act ;

(d) "Energy" means electrical energy,—

(i) generated, transmitted or supplied for any purposes, or

(ii) used for any purpose except transmission of a message ;

(e) "Occupier" of any building or land means a person in lawful occupation of that building or land.

(f) "Rules" means the rules framed by the State Government under the Act.

(2) The words and expressions used but not defined herein shall have the respective meanings as assigned to them in the Act.

3. *Licensee to carry out works.*—(1) A licensee may,—

(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, where over or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior written consent of the owner or occupier of any building or land;

(b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support ;

Provided that, in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall by an application obtain permission in writing from the District Collector or any other officer authorized by the State Government in this behalf, for carrying out the works;

Provided further that, if at any time, the owner or occupier of any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District

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Collector or the officer authorized may by order in writing direct for any such works, support, stay or strut to be removed or altered :

Provided also that, in case the District Collector does not issue a direction within fifteen days from the date of receipt of application or does not consent to the proposed works, the licensee may seek direction from the Commission.

(2) When making an order under sub-rule (1), the District Collector or the officer so authorized, as the case may be, shall fix after considering the representations of the concerned persons, if any, the amount of compensation, which should in his opinion be paid by the licensee to the owner or occupier.

(3) Every order made by a District Collector or an authorized officer under sub-rule (1) shall be subject to revision by Commission.

(4) Nothing contained in this rule shall affect the powers conferred upon any licensee under section 164 of the Act.

4. *Works affecting streets, railway, tramway, monorail, metro, canal or waterway.*— (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, footpath, subway, bridge, railway, tramway, Monorail, Metro, canal or waterway, the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, monorail, metro, canal or waterway (hereinafter referred to as "works authority"), as the case may be, a notice in writing, not less than twenty days before commencing the execution of the works describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one cm. to one meter vertically and one cm. to forty meters horizontally and intimating the manner in which, period for completion from commencement and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or works authority, as the case may be, from time to time give such further information in relation thereto as may be desired.

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FOR THE ADDRESSAL  
OF CONSUMER GRIEVANCES  
Adam Electricity (AEML)

(Published in Part II, Section 3, Sub-Section (i) of the Gazette of India, Extraordinary)

**GOVERNMENT OF INDIA  
MINISTRY OF POWER**

New Delhi, the 18<sup>th</sup> April 2006.

**NOTIFICATION**

G.S.R 217(E). - In exercise of the powers conferred by clause (e) of sub-section (2) of section 176 read with sub-section (2) of section 67 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules regarding the works of licensees, namely :-

1. Short title and commencement .- (1) These rules may be called the Works of Licensees Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules unless the context otherwise requires,-

(a) "The Act" means the Electricity Act, 2003;

(b) "occupier" of any building or land means a person in lawful occupation of that building or land.

(2) All other words and expression used herein and not defined in these rules, shall have the meanings respectively assigned to them in the Act.

3. Licensee to carry out works.- (1) A licensee may -

(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;

(b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support:

Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works:

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FOR THE PRESS AND  
OFFICE OF COMPLAINTS AND GRIEVANCES  
Adani Electricity (AEML)

Provided further that if at any time, the owner or occupier of any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorised may by order in writing direct for any such works, support, stay or strut to be removed or altered.

(2) When making an order under sub-rule (1), the District Magistrate or the Commissioner of Police or the officer so authorised, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(3) Every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub-rule (1) shall be subject to revision by the Appropriate Commission.

(4) Nothing contained in this rule shall effect the powers conferred upon any licensee under section 164 of the Act.

4. Works affecting streets, railway, tramway, canal or waterway.- (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter referred to as "works authority"), as the case may be, a notice in writing, not less than 15 days before commencing the execution of the works describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or works authority, as the case may be, from time to time give such further information in relation thereto as may be desired.

(2) If the repairing authority intimates to the licensee that it disapproves of such works, section or plan giving reasons for disapproval, or approves thereof subject to amendment, the licensee may, unless settled by an agreement, appeal to the Appropriate Commission within one week of receiving such intimation, whose decision, after considering the reasons given by the repairing authority for its action, shall be final.

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