

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 102 OF 2025

In the matter of release of new service connections in existing infrastructure

Bedekar Life Spaces LLPAppellant
(Partner V.M. Bedekar)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Kolhapur RII Dn.Respondent
(MSEDCL)

Appearances:

Appellant : 1. Vidyanand Bedekar
2. Sourabh Kulkarni, Representative

Respondent : 1. Dattatray Bhanage Ex. Engineer, Rural Division.-II Kolhapur
2. Khijar Shaikh, Jr. Law Officer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 26th December 2025

Date of Order: 16th January 2026

ORDER

This Representation was filed on 30th October 2025 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 16th October 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kolhapur Zone (the Forum). The Forum by its order partly allowed the grievance application in Case No. 59 of 2025. The operative part of the order is as below:


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1. As per Applicant's demand it is directed MSEDCL to sanction and release L & F connections in NDDF CCRF refundable scheme within 60 days from the date of this order.


2. Aggrieved by the order dated 16.10.2025 passed by the Forum, the Appellant has filed this representation. The Appellant attended the hearing physically whereas the Respondent was present online through video conference on 20.11.2025. Parties were heard at length. The Appellant's submissions and arguments are stated as below. [The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]

- (i) The Appellant applied for a new electricity connections on 03.06.2024 vide application ID No. 55538314 for a requested load of 58.09 kW at the premises as tabulated below:

Table 1:


Name of Developer	Address	Applied load	Area of the plot	Date of Application for new connections	Construction Consumer No.
Bedekar Life Spaces LLP.Partner V.M. Bedekar, Pvt.Ltd.	No.3 Hissa No.15 Plot No.4, Pachagaon Tq. Karveer Dist. Kolhapur-416207	58.19 KW for 30 Flats, 8 shops & common utility	976.70 sq. meter	03.06.2024	267340329356

- (ii) After submission of the application, the Appellant attended several meetings and follow-ups with the concerned officers of MSEDCL. During these interactions, the Appellant was misguided and misinformed by the Executive Engineer that the electricity connection could be released only under the Dedicated Distribution Facility (DDF) Scheme. The Appellant was firmly informed that there was "no other option" available and that execution of a DDF Bond was mandatory, under which the **Appellant would have to bear the entire infrastructure cost without any refund**. Acting under such pressure, coercion, and misrepresentation, the Appellant was compelled to execute a DDF Bond on 02.07.2024.


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- (iii) As per MSEDCL Circular No. 37112 dated 20.12.2023, it is expressly stipulated that all applications for new electricity connections shall be accepted under the New Connection (NC) Scheme or the Non-DDF (CC&RF) Scheme, and that the distribution licensee is mandatorily required to release supply within the prescribed Standard Operating Procedure (SOP) timelines. The said circular further provides that **a consumer may opt for the Non-DDF (CC&RF) Scheme, under which the eligible expenditure incurred by the consumer is required to be refunded either through adjustment in the energy bills or in five equal installments, as applicable.**
- (iv) However, in the present case, the Appellant was never informed about the availability of the New Connection (NC) Scheme or the Non-DDF (CC&RF) Scheme, nor was any assurance given regarding release of supply within the SOP timelines. Instead, the Appellant was wrongfully and arbitrarily compelled to opt for the Dedicated Distribution Facility (DDF) Scheme, thereby depriving the Appellant of the statutory and regulatory benefits guaranteed under the prevailing MSEDCL circulars and the provisions of the MERC (Electricity Supply Code and Standards of Performance) Regulations, 2021 (Supply Code & SoP Regulations, 2021).
- (v) The Appellant's plot area is 976.70 sq. meters, which is less than 2000 sq. meters. Therefore, in terms of Regulation 3.6 of the **Unified Development Control and Promotion Regulations (UDCPR), 2020, the requirement to provide or earmark space for a transformer/substation is not applicable to the Appellant's premises.** The relevant provision of Regulation 3.6 of the UDCPR, 2020 is reproduced below: Table 2:


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3.6 PROVISION FOR ELECTRIC SUB-STATION:		
<i>In case of development/re-development of any land, building or premises mentioned below, provision for electric sub-station shall be made as under, if the requirement for the same is considered necessary by the concerned power supply authority.</i>		
Sr. No.	Plot Area	Maximum requirements
1	Plot above 2000 sq.m.	One single transformer substation of the size of 5m.x 5m. and height of not more than 5m.
2	<i>Layout or subdivision of a plot measuring 2.0 ha. or more.</i>	<i>A suitable site for an electric sub-station as required by the Power Supply Company.</i>
<i>Provided that the sub-station is constructed in such a manner that it is away from main building at a distance of at least 3 m. and in general does not affect the required side marginal distances or prescribed width of internal access or recreational open space.</i>		

From the said Regulation 3.6, it is evident that the Appellant was not under any statutory obligation to hand over or provide a portion of land for installation of a transformer or substation.

- (vi) The Appellant filed a grievance application before the Forum on 04.09.2025. The Forum partly allowed the grievance application directing MSEDCL to sanction and release the L & F connections under the Non-Dedicated Distribution Facility (NDDF) / Consumer Contribution Refundable Fund (CCRF) scheme within a period of 60 days from the date of the order. The Forum failed to appreciate the binding nature of Circular No. 37112 dated 20.12.2023 and the coercive circumstances under which the DDF Bond was executed.

Grounds of Appeal


- (vii) MSEDCL Circular No. 22197 dated 20.05.2008, issued pursuant to various orders of the Commission: Clause 1.1 of the said circular stipulates that in respect of LT Non-Domestic and LT Residential consumers, or groups of such consumers, having a connected load of less than 500 kVA and located within Areas “A” and “B”, the entire infrastructure is required to be created by MSEDCL, and only the Schedule of Charges approved by the Commission is recoverable from the


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consumer. The circular further defines Area “A” to expressly include areas falling within 5 km of Municipal Corporations, 2 km of Municipal Councils, and 1 km of existing gaothan (including MIDC areas). The Appellant’s project squarely falls within Area “A” and, therefore, in terms of this binding circular, **the entire infrastructure cost is required to be borne by MSEDCL**, and only the approved service connection charges are payable by the Appellant in principle.

- (viii) Regulation 6.5 of the MERC Electricity Supply Code Regulations mandates that where land is required for installation of a distribution transformer, such requirement must be governed by the Development Control Rules of the concerned Planning Authority. As per the Unified Development Control and Promotion Regulations (UDCPR), 2020, only plots having an area exceeding 2000 square meters are required to earmark 25 square meters of land for transformer installation. In the present case, the Appellant’s plot area is below 2000 square meters, and therefore, the said condition is clearly inapplicable.
- (ix) Despite the above statutory and regulatory framework, instead of augmenting the existing distribution infrastructure or releasing supply under the New Service Connection (NC) Scheme or Non-DDF (CC&RF) Scheme, **MSEDCL has wrongfully demanded land** and compelled infrastructure development under the Dedicated Distribution Facility (DDF) Scheme. Such action is wholly arbitrary and is inconsistent with the provisions of the MERC Regulations, the UDCPR, 2020, and the binding MSEDCL circulars.
- (x) In view of the above, the Appellant prays that MSEDCL be directed to process the application strictly in accordance with Circular No. 37112 dated 20.12.2023 and Circular No. 22197 dated 20.05.2008, ensure that the infrastructure cost is borne by MSEDCL as applicable to Area “A”, and refrain from wrongful insistence on the DDF Scheme and unwarranted demand for land, which are contrary to the MERC Regulations and the UDCPR, 2020.



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- (xi) By its additional submissions dated 24.12.2025, the Appellant stated that the review order dated 10.12.2025 passed by the Forum was unsatisfactory and adverse to the Appellant's interests.
- (xii) The project is registered under RERA, and the Appellant is legally bound to carry out construction strictly in accordance with the sanctioned plans. **Any compulsion to hand over land from setbacks or open spaces would amount to a violation of the Development Control Rules and the provisions of RERA, thereby exposing the Appellant to statutory penalties and consumer litigation. Moreover, MSEDCL cannot lawfully rely on a lease of land that is not sanctioned or earmarked in the approved plans.**
- (xiii) The actions of MSEDCL are in violation of the MERC (Electricity Supply Code and Standards of Performance) Regulations, 2021, which cast a statutory obligation on the distribution licensee to:
- Follow prescribed procedures,
 - Provide transparent options to consumers, and
 - Release supply within stipulated timelines.
- (xiv) In view of the above, the Appellant prays that Electricity Ombudsman may
- a) Reject MSEDCL's preliminary objection on locus standi;
 - b) Recognize applicability of transformer augmentation norms for Urban Areas;
 - c) Hold that MSEDCL cannot insist on land or lease deed without sanctioned earmarking;
 - d) Direct MSEDCL to release supply after permissible augmentation under Non-DDF (CCRF) or NSC scheme, without illegal land demand.

3. The Respondent's submissions and arguments are stated as below: -

Preliminary Submissions



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- (i) The Appellant has no locus-standi to file this representation, as no valid authorization has been submitted either before the Electricity Ombudsman or before the Forum. The Appellant entity is an LLP, having partners/directors, and therefore any representation on behalf of the LLP ought to have been supported by a proper authorization duly granted by the said LLP. In the absence of such authorization, the representation is not maintainable and deserves to be dismissed on this ground alone. *[Note: The Appellant has submitted a resolution authorising Mr. Vidyanand Madhavrao Bedekar to submit and pursue the grievance, as per the records submitted to this office.]*

Submissions on Merit

- (ii) The Appellant initially submitted an Application ID No. 51342346 dated 14.10.2023 for electricity supply to its residential complex. This application was forwarded from Kagal Sub-Division to this office for approval under the Dedicated Distribution Facility (DDF) Scheme. Upon scrutiny, it was observed that the mandatory documents (DDF bond & high rise permission) were not submitted along with the application, and consequently the application was auto-rejected.
- (iii) Thereafter, after completion of the requisite documentation, the Appellant submitted a fresh application bearing Application ID No. 55538314 dated 03.06.2024, again under the DDF Scheme. (The developer is a well-established and reputed developer in the Kolhapur region with long-standing experience in housing development projects and is therefore fully aware of and conversant with MSEDCL's policies, rules, and schemes governing new electricity connections for newly developed residential and commercial projects.)
- (iv) After receipt of the application, a site inspection was carried out immediately. During inspection, it was observed that, for grant of electricity supply of 69.99 kW / 77.77 kVA (as per the revised circular) to the residential complex, **it was necessary to erect about 0.30 km of High Voltage line and to install one 100 kVA Distribution Transformer Centre (DTC).**


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- (v) The load calculation, as prescribed in the Respondent's Circular No. 35530 dated 14.11.2024, based on the carpet area for infrastructure development in respect of the release of new electricity connections, is tabulated in Table 3 below:

Table 3:

No. of New Applications for res. & comm. connections	Total applied Load as per Carpet Area (KW)	Demand on System considering PF 0.8 (KVA)	Existing Dist. Transformer (KVA)	Peak Loading on existing 100 KVA DTC	Requirement of new Transformer	Work Involved
38 (Res.30+Com.8)	155.06 KW	93.74	100 KVA	74%	100 KVA	HT Line: 0.3 KM & 100 KVA Distribution Transformer

[Note: It seems that as per the latest guidelines, load requirement is calculated on carpet area, and not on the plot area.]


- (vi) In accordance with the provisions of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2021 (Supply Code & SoP Regulations 2021), where the provision of electricity supply necessitates installation of transformer(s), switchgear and other apparatus within the Appellant's premises up to the point of supply, the Appellant/consumer is required to provide, free of cost, suitable land or space within the premises to the Distribution Licensee, by way of lease, for installation of such equipment.
- (vii) In order to obtain electricity supply at the earliest, the Appellant voluntarily opted to execute the work under the DDF Scheme. After submission of requisite documents, the Appellant was informed about the land lease procedure for installation of the DTC as per MSEDCL rules. Accordingly, the MSEDCL Civil Department granted clearance for the DTC land vide letter issued under Rule 11, and the lease amount of Rs. 99/- was transferred to the account of M/s Bedekar Life Space LLP on 28.08.2025. Despite this, the Appellant has failed to execute the land lease deed till date, due to which the work remains pending.


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- (viii) During a joint inspection of the site, it was observed that the mandatory 25 sq. meters (5 m x 5 m) clear space, as prescribed under MSEDCL norms, was not available. The Appellant and its representatives instead indicated an area measuring 3 m x 8.35 m at the north-east corner of the access road leading to the apartment complex.
- (ix) The Developer has not provided any dedicated land for installation of a Distribution Transformer Centre (DTC), **nor has the plan sanctioning authority reserved any land for meeting the proposed electrical load of the said housing complex.** At present, there exists only one 100 kVA DTC in the vicinity catering to bungalows in the surrounding area. The said area is witnessing rapid development, and therefore, from a technical and system planning perspective, it is not feasible under any circumstances to augment or utilize the existing 100 kVA transformer to cater to the additional load of the Developer's housing project. The Respondent is already supplying electricity from the said transformer to the consumers of Shantadurga Colony and adjoining areas, and the transformer is experiencing considerable loading. The proposed augmentation of the existing transformer from 100 kVA to 200 kVA is being planned exclusively for meeting the future load growth of the existing consumers in the area, **and cannot be diverted to cater to the Developer's new load requirement.** These technical constraints and requirements were clearly explained during the joint site visit conducted in the presence of the Appellant, the Appellant's contractor, the Section Engineer, and the Sub-Divisional Officer, Kagal Sub-Division. The Appellant was accordingly required to identify and provide a technically feasible alternative location/solution for installation of the requisite DTC.
- (x) As per Regulation 2.22 (iii) of Supply Code & SoP Regulations 2021, an "Urban Area" is defined as below:

"2.22 (iii) : Urban Area" means the areas covered by all Municipal Corporations and other Municipalities including the areas falling under the various Urban Development Authorities, Cantonment Authorities and Industrial


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Estate, SEZ's and Townships including those specified by the Government of Maharashtra;”

- (xi) The present rural division is named as “Kolhapur Rural Division-II” and, therefore, cannot be classified as an Urban Area in respect of the Appellant’s premises. The Appellant has relied upon a very old circular dated 20.05.2008, which makes a fragmented reference to a 5 km criterion for treating certain rural areas as urban. The said circular is no longer applicable under the prevailing Supply Code and Standards of Performance (SoP) Regulations, 2021.
- (xii) The Appellant filed a grievance application in the Forum on 04.09.2025. The Forum by its order directed to sanction and release the L & F connections under the NDDF CCRF refundable scheme within a period of 60 days from the date of this order.
- (xiii) As per the Forum’s order, MSEDCL is willing to provide electricity supply at its own cost strictly in accordance with the provisions of Circular No. 35530 dated 14.11.2024, within the prescribed Standard Operating Procedure (SOP), subject to the Appellant fulfilling the only requirement of providing suitable land for the DTC.

Doctrine of “Sitting on the Fence”

- (xiv) The doctrine of “sitting on the fence” squarely applies in the present case. A consumer who remains passive despite being granted an opportunity and facility within a stipulated timeframe well within their knowledge and control—cannot subsequently seek benefits after closure or modification of the scheme due to their own inaction.
- (xv) In the present case, the Appellant had voluntarily agreed to carry out the work under the DDF Scheme, as evidenced by the DDF Bond dated 02.07.2024 submitted along with the application. At no point has any MSEDCL officer compelled or directed the Appellant to apply under any particular scheme. The


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allegations made against MSEDCL officers are false, baseless, and motivated for personal gain. These facts have been duly considered by the Forum in paragraph 8 of its order. Even the Forum has recorded that the Appellant subsequently attempted to seek supply under Circular No. 37112 dated 20.12.2023, contrary to its earlier stand.


- (xvi) Entertaining such contradictory claims would undermine the sanctity of regulatory provisions, lead to uncertainty and unequal treatment among consumers, and adversely affect MSEDCL's ability to plan system augmentation and load management.

Submissions on Legal Aspects

- (xvii) The Circular No. 35530 dated 14.11.2024, issued by MSEDCL, is the applicable and prevailing circular in the present case, having superseded all earlier circulars. The Forum has erred in placing reliance on the Urban Development Control and Promotion Regulations (UDCPR), 2020. Although the Forum has itself observed shortcomings in UDCPR which is quoted as below:

“As per MERC supply code Regulations 2021, if the provision of supply requires installation of transformers, switchgear, meter and all other apparatus up to the Point of Supply within the Applicants premises, the Applicant shall make a suitable piece of land or suitable room within such premises available to the Distribution Licensee, by way of lease. Notwithstanding anything contained in Regulations 6.5 where provision of land or room is required under the Development Control Rules of the local authority or by any appropriate authority of the State Government, the term and conditions for use of such land or rooms by the Distribution Licensee shall be as determined under the said Rules or by the said authority.

As per Urban Development Control and Promotion Regulations 2020 Rules 3.6, in case of development/re-development of any land, building or premises above plot area 2000 sq. Meter, provision for transformer shall be made, if the


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requirement for the same is considered necessary by the concerned power supply authority.

The above two regulations conflict with each other in such a way that there is necessity of erection of 100 KVA DTC within the applicant's premises, so a suitable piece of land is required. But as per the applicant's arguments, only if the developing plot area is above 2000 sq. meters, then and then only a suitable piece of land should be handed over to MSEDCL as per UDCPR 2020 Rules. As per Forum observations, there are some shortcomings in UDCPR 2020 Rules. These Rules need to be upgraded as per MSEDCL requirement. So it is advised from the Forum that MSEDCL authority and builder Developer association to approach the Competent authority of the State Government to upgrade UDCPR 2020 Rules."

The Forum failed to appreciate that under Section 174 of the Electricity Act, 2003, the provisions of the Electricity Act, being a special law, have an overriding effect over other enactments. The MERC Supply Code & SoP Regulations, 2021 framed under the Electricity Act, 2003, therefore prevail over the UDCPR, 2020. This vital legal position has been overlooked by the Forum.

- (xviii) **As per the MERC Supply Code Regulations, 2021, where provision of electricity supply requires installation of transformers, switchgear, meters, and allied apparatus up to the point of supply within the Appellant's premises, the Appellant is mandatorily required to provide suitable land or space to the distribution licensee by way of lease.**
- (xix) Further, as per Circular No. 35530 dated 14.11.2024, the land requirement for establishment of Distribution Transformer Centres (DTCs) is as under:



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Table 4:

Sr. No.	Type of DTC	Land Requirement
1	Distribution Transformer Centre (Indoor) – 1 No.	30 sq. meters
2	Distribution Transformer Centre (Outdoor) – 1 No.	25 sq. meters
3	Distribution Transformer Centre (Compact)	15 sq. meters


Since the said circular supersedes all earlier circulars, the above provisions are squarely applicable to the present case.

The Executive Engineer (C) Civil Division has informed vide letter dated 29.07.2025 that AEE (Civil) has jointly visited the site with the Appellant on 19.06.2025 and submitted a report with main points as below:

- 1) *Proposed place of DTC shown in Gat No. 1047/1048 as open space.*
- 2) *Said piece of land for DTC (3x 8.35=) 25 sq. meter with plot boundaries are shown with hatched portion on layout plan dated 22.08.2023.*

Submissions on Status of Pending Proceedings:

- (xx) Aggrieved by the Forum's order, directing the Respondent to sanction the connections under the refundable scheme, the Respondent filed a review application before the Forum on 04.11.2025, within the stipulated period of one month. However, during the pendency of the review proceedings, the Appellant prematurely and deliberately filed a representation even before the review order was passed. Hence, such representation is not maintainable, being contrary to the provisions of the CGRF and EO Regulations, 2020.
- (xxi) During the review proceedings before the Forum, the Respondent clarified that the revised circular does not permit approval under the N-DDF / CCRF scheme and, therefore, prayed that the new service connections be allowed under the DDF or NSC Scheme. The Respondent further reiterated its request for provision of land for installation of the Distribution Transformer Centre (DTC). The Forum fixed the review hearing on 27.11.2025, which was attended by the Appellant.


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Thereafter, by its review order dated 10.12.2025, the Forum issued the following directions:


1. *The original applicant M/s. Bedekar Life spaces should handover a least 15 Sq. Meter area to MSEDCL through lease Deed.*
2. *It is directed to MSEDCL to sanction and release L&F connections preferably in NDDF CCRF refundable scheme or in NSC scheme within 60 days from the date of this order.*
3. ...

In view of the above, the proposed piece of land of 25 sq. meter is found suitable from civil point of view for erection of DTC.

- (xxii) An indicative draft lease deed agreement is circulated by Corporate Office by HO Circular dated 20.12.2018. Hence, this office is not competent to modify the same.
- (xxiii) The present representation is therefore liable to be dismissed, as granting the relief sought would open a Pandora's Box, encouraging consumers to disregard technical feasibility and statutory requirements, leading to unequal treatment and violation of established principles of fairness and regulatory compliance.
- (xxiv) In view of the facts and circumstances, the Respondent prays that the Representation by the Appellant be dismissed.

4. During the course of the hearing, the Respondent was directed to submit sample Lease Deeds/Agreements pertaining to certain housing complexes. In compliance with the said direction, the Respondent, vide email dated 09.01.2026, has placed on record the following Lease Agreements, along with 4 others, as representative samples:

- (i) Lease Agreement dated 27.11.2024 executed by Chital Pop at Gide & Others, in respect of land bearing Gat No. 140 (partly), situated at Green Park, Ujlaiwadi, Taluka Karveer, District Kolhapur.


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(ii) Lease Agreement executed by Anilkumar Ramkumar Shant, Bhumi Real Estate, in respect of C.S. No. 568, Plot No. 19, situated at Revenue Housing Society, Shahu Park, Kolhapur.


It was verified that in all these cases, even though the original sanctioned plans did not include space for a substation / DTC, these developments entered into lease agreements with MSEDCL to provide space for the same, without any action being taken by RERA / planning authorities, as the space was deemed necessary to provide essential services.

5. The Respondent was directed to submit a report outlining its past experience in cases where space was utilized for electrical infrastructure after sanction of the building/layout plan, notwithstanding the absence of any such provision in the sanctioned plan, and where MSEDCL had lawfully acquired such space through a lease Deed or Agreement.

In compliance, the Respondent, vide email dated 14.01.2026, stated that in several instances, space has been utilized for establishment of electrical infrastructure required for reliable power supply after sanction of the building/layout plan, in accordance with the MSEDCL circular effective from 2018. It was further submitted that the concerned local authorities under Kolhapur R-II Division, including the Municipal Corporation, Nagar Parishad, Nagar Palika, Gram Panchayat, and Development Authority (Prabhakaran), have not raised any objections to such lease agreements executed since 2018. Additionally, no objections have been raised by residents regarding transformers installed on such leased land, and the infrastructure is being used without any grievance.

Analysis and Ruling


6. Heard the parties and perused the documents on record. The Appellant is an experienced developer engaged in the development of residential and/or commercial housing complexes. The particulars of the development are provided in Table 1.


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7. As per the load calculation methodology prescribed under the Respondent's Circular No. 35530 dated 14.11.2024, based on carpet area norms for infrastructure development applicable to the release of new electricity connections, the Appellant submitted 38 applications, comprising 30 residential and 8 commercial connections, with an aggregate applied load of 155.06 kW. Considering a power factor of 0.8, the corresponding system demand is assessed at 93.74 kVA. The existing 100 kVA distribution transformer is already loaded up to 74% at peak, thereby leaving inadequate margin to accommodate the incremental load. Further, augmentation of the existing transformer capacity from 100 kVA to 200 kVA is not a technically appropriate solution in view of the anticipated load growth in the vicinity of Shanta Durga Colony as well as objections raised by local residents. Consequently, system strengthening is necessitated by way of installation of an additional 100 kVA distribution transformer, together with associated works including erection of an HT line of approximately 0.3 km, to reliably cater to the projected load requirement of the Appellant, as detailed in Table 3.

8. The present case relates to vertical load growth arising from development within the Appellant's premises. The Appellant's plot admeasures 976.70 sq. metres, which is no doubt significantly below the threshold of 2000 sq. metres prescribed under Regulation 3.6 of the Unified Development Control and Promotion Regulations (UDCPR), 2020. However, the applicability of Regulation 3.6 would arise only where the City Planning Authority has earmarked or allocated adequate space for development of electrical infrastructure in the approved layout of the City Development Plan in the vicinity of the subject premises. In the present case, no such systematic planning or earmarking of space for electrical infrastructure is available or demonstrated in the vicinity of the area. Accordingly, Regulation 3.6 of the UDCPR, 2020 has no applicability to the facts of the present case. Hence, it is obligatory to provide substation/ Distribution transformer space to the Appellant. In fact, this issue ought to have been examined by the planning authority as well as MSEDCL at the initial stage, at the time of sanctioning the project as well as granting the electricity connection for construction of the project. Both parties failed to undertake such assessment at that stage.


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9. The Regulations 6.5 ,6.6 & 6.7 of Supply Code & SoP Regulations 2021 stipulate as below:

6.5 Where, in the opinion of the Distribution Licensee, the provision of supply requires installation of transformers, switch gear, meter and all other apparatus up to the Point of Supply within the Applicant's premises, the Applicant shall make a suitable piece of land or a suitable room within such premises available to the Distribution Licensee, by way of lease:

Provided that a suitable piece of land or a room shall be made available to the Distribution Licensee, by way of lease agreement at Rupee One (₹1) per annum:

Provided further that expenses, if any, towards registration of lease agreement shall be borne by concerned Applicant:


Provided further that any existing agreement, as on the date of notification of these Regulations, for use of such land or room may, upon expiry, be renewed on such terms and conditions as may be mutually agreed between the parties, to be consistent with this Regulation 6.5:

.....

6.6 Notwithstanding anything contained in Regulation 6.5, where the provision of land or room is required under the Development Control Rules of the local authority or by any appropriate authority of the State Government, the terms and conditions for use of such land or room by the Distribution Licensee shall be as determined under the said Rules or by the said authority.

6.7 Upon submission of duly completed application accompanied with the required charges and availability of suitable piece of land or room as required by the Distribution Licensee, the Distribution Licensee shall sanction and carry out or permit to be carried out the works to give supply to the Applicant.

Regulations 6.5 to 6.7 provide that where supply requires installation of electrical infrastructure within the Appellant's premises, the Appellant shall provide suitable land or space on lease at a nominal rate of Re.1 per annum, subject to applicable Development - *Control Rules, and upon compliance, the Distribution Licensee shall sanction and provide supply. As noted by the Forum, there is an apparent contradiction or mismatch between these D.C. Rules and the technical requirements of MSEDCL, in view of the rapid urbanisation and growth of load.


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10. The Appellant contended that in this situation, the D.C. rules prevail. Despite this settled regulatory framework, MSEDCL has arbitrarily insisted upon land and infrastructure creation under the DDF Scheme, without offering the statutory options of NC or Non-DDF (CC&RF) Schemes, in clear violation of binding circulars and regulations. The project being RERA-registered, any demand for land from setbacks or open spaces would violate sanctioned plans, UDCPR and RERA provisions, and cannot be lawfully enforced.


11. The Respondent contended that there is only one heavily loaded 100 kVA DTC in the vicinity catering to existing consumers, and augmentation thereof is earmarked for future growth of existing load and cannot be diverted to the Appellant's project, necessitating a separate DTC. Under the Supply Code & SoP Regulations, 2021, wherever release of supply requires installation of a distribution transformer and allied equipment within the Appellant's premises, the Appellant is mandatorily required to provide suitable land free of cost by way of lease. To obtain early supply, the Appellant voluntarily opted for the DDF Scheme, executed the DDF Bond, obtained civil clearance, and paid the lease amount; however, the Appellant has failed to execute the lease deed and provide the requisite clear space, resulting in pendency of the work. Supply can be released only in accordance with the prevailing circulars and SoP, subject to the Appellant providing suitable land for the DTC and executing a Lease Agreement Bond as per the prescribed format.

12. During the hearing, the Appellant produced photographs showing availability of land for the Distribution Transformer Centre and specifically sought waiver of the lease deed/agreement.

13. The following issue arises for consideration:

- **Issue: Whether land for the transformer is required to be handed over to MSEDCL through a lease deed?**

In the circumstances of this case, we hold that the provisions of the Electricity Act and Supply Code and SOP Regulations prevail over the D.C. Rules. We also recommend that


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the D.C. Rules be updated, with the infrastructure requirements linked to the carpet area and not the plot size, given the rapid vertical development in urban areas with dense clusters.

- Regulation 6.5 of the Supply Code & SoP Regulations, 2021 mandates that where installation of a transformer and allied apparatus is required within the applicant's premises, suitable land or space shall be made available to the Distribution Licensee by way of a lease at Re.1 per annum, with registration charges borne by the applicant. Accordingly, execution of a lease agreement for the transformer land is mandatory, and the Issue is answered in the **AFFIRMATIVE**.

14. The Forum has passed reasoned and speaking original as well as review orders, which do not warrant any modification. The representation of the Appellant is rejected and is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

