

**TAMIL NADU ELECTRICITY REGULATORY COMMISSION**  
**(Constituted under section 82 (1) of the Electricity Act, 2003)**  
**(Central Act 36 of 2003)**

**PRESENT:**

ThiruM.Chandrasekar .... Chairman  
Dr.T.PrabhakaraRao .... Member  
and  
Thiru.K.Venkatasamy .... Member (Legal)

**M.P. No.8 of 2019**

Navin Housing & Properties Pvt. Ltd.  
No. 802, 804, Anna Salai  
Nandhanam  
Chennai – 600 035.

... Petitioner  
(M/s. Stephen & Stephen  
Advocates Associates)

Vs.

1. The Chairman cum Managing Director  
TANGEDCO, Anna Salai  
Chennai – 600 002.
2. The Chief Engineer / Distribution  
Chennai South Region,  
TANGEDCO, Head Quarters Office  
No.144, Anna Salai, Chennai – 600 002.
3. The Chief Engineer / Commercial  
TANGEDCO, Head Quarters Office  
No.144, Anna Salai, Chennai – 600 002.
4. The Superintending Engineer  
Distribution / TANGEDCO  
Chennai EDC, South-II  
Chennai – 600 078.

... Respondents  
(ThiruM.Gopinathan, Standing  
Counsel for the Respondents)

**Dates of hearing** : 17-09-2019 and 22-10-2019

**Date of Order** : 10-12-2019

**ORDER**

**Prayer of the Petitioner in M.P. No.8 of 2019:-**

1. The prayer of the petitioner in M.P. No.8 of 2019 is to invoke provision under section 142 of the Electricity Act, 2003 for contravening the provisions envisaged in 29 (12) (ii) of Tamil Nadu Electricity Distribution Code against the respondents 1 to 4 and officials / authorities concerned of TANGEDCO for their wilful contravention.

**2. Brief Facts of the Case:-**

The petition has been filed to take action against the officials of TANGEDCO for refusal to take over the land for establishing substation as per Statutory Regulation in the MSB Complex "Navin's Starwood Towers" at Vengaivasal, Medavakkam Village, Chennai and processing of applications for new service connections by TANGEDCO.

3. The Petitioner in his affidavit dated 07-08-2019 has submitted as follows:-

(i) The petitioner is an infrastructure developer known for its quality and uncompromised commitments towards customer excellence in developing many housing projects across the State of Tamil Nadu and excelled towards infrastructure developments. He has developed in Medavakkam area comprising of 958 dwelling units at Multi Tower MSB coming at VengaivasalMedavakkam-Mambakkam Road, Tambaram under the jurisdiction of CEDC/ South-II / TANGEDCO for which service connections

were partially effected and remaining applications are to be proceed. Most of the towers of the projects are completed and finishing works are in progress and applications for electricity connections are pending to be processed at TANGEDCO's end.

- (ii) It is obligatory on the part of the builder / developer to provide space for installing sub-station when the total demand of the housing complex exceeds 5 mVA. Accordingly, the management of this company allotted space at the corner which is ideal for erection of sub-station having a well-planned ingress and egress. As per the statutory provisions, it is mandatory on the part of the developer / builder to provide space of 225 sq. mts. for erecting compact sub-station within the periphery of the city limits and the ear marked space is around 357.95 Sq. mts. The TANGEDCO is at liberty to take over the 225 Sq.mts of the same to fulfil the mandatory provisions, free of cost out from this ear marked area to suit best for its needs to erect the sub-station.
- (iii) The copy of the approved plan along with the ear marked area for TANGEDCO along with FMB sketch and relevant documents were handed over in person / Post during the month of October, 2018 to all the officials concerned of TANGEDCO, but till date no fruitful action has been taken to take over the land and process the applications for new service connections.
- (iv) TANGEDCO has not yet given their concurrence to take over the 225 Sq.mts of Land for erection of sub-station as per mandatory rules instead

insisting for 400 Sq. mts of land which is contrary to the Regulations. Because of such abnormal delay the applications for new service connections are not yet processed and the flat owners are pressurising for EB Connections for occupying flats.

- (v) As per the mandatory provisions of Regulation 29 (12) (ii) of Tamil Nadu Electricity Distribution Code, 225 sq. mts. of land has to be allotted for establishment of sub-stations / switching station in the places of group housing where the total demand exceeds 5 mVA.
- (vi) The company is ready to provide more than the spare stipulated in the regulations and furnished an under taking to offer 357.95 sq. mts. but till date TANGEDCO has not given its concurrence to take over the land.
- (vii) The Chennai Distribution Circle while accepting 225 sq. mts. of land from one builder to erect sub-station is now hesitating to accept more than 357.95 sq. mts. from another builder in the same Chennai South region which clearly shows their colourful exercise of power and authority. The officials of TANGEDCO has no right to deviate from the statutory regulations inscribed / prescribed by the Commission and the Madras High Court and contravention amounts to wilful disobedience.
- (viii) The inordinate delay on the part of the Distribution Licensee in taking over the land as per statutory regulations and processing of service connection applications has caused abnormal implications and irreparable losses to this petitioner.

- (ix) Regulations 29 (12) (ii) of Tamil Nadu Electricity Distribution Code, Note (d) is so clear that the Distribution Licensee has no other choice except to accept 225 sq. mts of land from the developer to establish compact sub-station if the proposed load exceeds 5 mVA.

**4. Minutes of the Joint Inspection held on 10-10-2019:-**

- (i) During the joint inspection, TANGEDCO requested 6 mts of OSR land along the road towards the South side for the establishment of the SS.
- (ii) The petitioner side stated that the land was already taken over by the local body. TANGEDCO stated that without the additional space, it will not be feasible to accept the land for want of accessibility.
- (iii) The petitioner stated that the OSR land will be developed and maintained by M/s. Navin Properties only on behalf of local body. Hence, there will not be any issue of access.
- (iv) TANGEDCO in turn stated that this will not be accepted anticipating objection from the dwellers in future. Hence, suggested, an undertaking may be obtained from the local body to permit TANGEDCO to use the additional land sought for as and when required.
- (v) The petitioner requested time to discuss the matter with local body authorities and revert back.
- (vi) Instead of (v) above, the petitioner later undertook to provide a clause in the by-laws of the Association that not to raise any objection by the dwellers for ingress or egress against TANGEDCO for movement in case of transportation of equipments in future and would put earnest effort to

approach local body for NOC if legally permitted. The undertaking is seen at the end of the minutes on the joint meeting.

**5. Findings of the Commission:-**

- 5.1. The prayer of the Petitioner is to invoke provision under Section 142 of the Electricity Act, 2003 for contravening the provisions envisaged in 29 (12) (ii) of Tamil Nadu Electricity Distribution Code against the Respondents 1 to 4 and officials / authorities concerned of TANGEDCO for their wilful contravention.
- 5.2. The prayer of the Petitioner is related to refusal to take over the land from the developer for establishing substation by TANGEDCO as per Statutory Regulation in the MSB Complex “Navin’s Starwood Towers” at Vengaivasal, Medavakkam Village, Chennai and processing of applications for new service connections by TANGEDCO.
- 5.3. The Petitioner has further stated that the total demand of the housing complex exceeds 5 MVA. So, as per the Statutory provisions, it is mandatory on the part of the developer / builder to provide space of 225 sq.mts for erecting compact sub-station within the periphery of the city limits and the ear marked space is around 357.95 sq.mts. The TANGEDCO is at liberty to take over the 225 Sq.mts of the same land to fulfill the mandatory provisions, free of cost to erect the sub-station.
- 5.4. The petitioner has stated that the inordinate delay on the part of the Distribution Licensee in taking over the land has caused abnormal implications and irreparable losses to this Petitioner. Hence this petition was filed.

5.5. Before going into the merit of the case we will go through the extract of the Regulation of TNERC in this regard. The Tamil Nadu Electricity Distribution Code 29(12)(ii) reads as follows :

- (ii) Space as per the following norms shall be allotted for establishment of a sub station / switching station in places of group housing / commercial complex where the total demand exceeds 5 MVA. These areas shall be specifically shown in the plan. The requirement of land for establishment of sub-stations shall not exceed the limit for 33 KV sub-station and the land requirement in for compact sub-station is 225 in Sq.mts.*
- (a) in places situated within 60 Kilo Meters from the periphery of the Metropolitan/Corporation limit, the licensee may establish the compact sub-station;*
- (b) in places situated within 30 Kilo Meters from the periphery of the Municipality limit, the licensee may establish the compact sub-station;*
- (c) in places situated within 10 Kilo Meters from the periphery of the Town Panchayat limit, the licensee may establish the compact sub-station;*
- (d) in other places, the licensee may establish the sub-station of his choice*
- (e) the land area should have the proper approach road atleast on any one side of the land for easy transporting of power transformer*
- (f) the dimension of the land area shall be as per the suggestions of the Licensee to the consumer.*
- (13) An approach road of not less than 3 meters width shall be provided from the public road to the electrical room/open space earmarked for installation of distribution transformer, associated switchgear, sub station / switching station.**

*1 [Note 1: The specific requirement to provide space, as per the sub-regulations (12) and (13) of this regulation shall be made known to the consumers/ builders/ owners at the initial stages itself, when they approach with applications for extending temporary or regular supply.]*

5.6. With this requirement now we will discuss the present petition:

On the date first hearing i.e. on 17-09-2019 the Petitioner requested the Commission to issue direction to the Respondents to take over the earmarked land to erect sub-station and effect the supply to the new service connections immediately. On the other hand, Respondent has replied even though they are allotting more than 225 sq.mts of land for sub-station erection, it is not suitable for future maintenance point of view to carry out

the repairs if transformer gets failed on one side. As there is a dispute with regard to allotment of land by promoters and taking over by TANGEDCO and as the Respondent TANGEDCO has submitted that the land offered by the Petitioner is not suitable for erection of transformers on technical reasons, the Commission is of the view that the prayer of Petitioner for invoking provision under Section 142 of the Electricity Act 2003, to take action against TANGEDCO officials does not merit consideration, as there is no wilful contravention of the Act by the Respondents.

5.7. However in order to mitigate the sufferings of the common people, Commission felt it is of paramount importance to effect supply to the new service connections at the earliest by erecting sub-station. Hence the Commission directed both the Petitioner and the Respondent to have joint inspection and submit a report to the Commission.

5.8. As per above direction of the Commission joint inspection was conducted by TANGEDCO and M/s.Navin Housing Properties (P) Ltd on 10-10-2019 and report was submitted to the Commission.

5.9. In the inspection report TANGEDCO requested 6 meters of OSR land for accessibility towards south side for sub-station erection for the transformer maintenance of point of view in future. But as per the Petitioner, OSR Land will be developed and maintained by M/s.Navin Properties only on behalf of local body as it was already handed over to them.

5.10. Further in the Inspection Report Petitioner later undertook to provide a clause in the by-laws of the Association not to raise any objection by the dwellers for ingress or egress against TANGEDCO for movement in case of transportation of equipments in future and would put earnest effort to approach local body for NOC if legally permitted.

5.11. It is seen that the developer M/s.Navin Housing & Properties Pvt Ltd has allotted a land measuring 357.95 which is higher than prescribed norms of 225 Sq.meters as per the TNERC Regulation 29(12) (ii). But, it could not be fully utilized on 18 meters road side for the transformer maintenance purpose as land shape is in skewed shape.

Normally TANGEDCO accepts land for sub-station erection from the developers with two sides of the land with road approach or atleast one side of sufficient length on road side for maintenance for two transformers with accessibility. In this case on hand as per drawings furnished, even after reducing the size of the control room and plinth area of the transformer, both transformers could not be located as the land is in skewed condition on 18 meters road side for accessibility and the first transformer alone is accessible through this 18 meters road. Further, south side is OSR Land and the other two sides are private properties. So when one transformer can be taken out for maintenance on 18 meters road side, other transformer has to be taken for maintenance without disturbing the other transformer in service via OSR land only which is already handed over to the local authority by the petitioner.

- 5.12. Though the regulation prescribed 225 sq.meters land generally it should be in regular rectangle or square shape to erect the sub-station with accessibility to road side for transformer maintenance which is very important for future to minimize the shutdown of the transformer concerned.
- 5.13. Further TANGEDCO's requirement of 6 meters road on OSR Land for the second transformer maintenance / replacement point of view could not overruled to ensure continuous supply to the consumers.
- 5.14. In view of the above circumstances, considering that more than 225 sq.meters land was allotted by developers on one side as per TNERC norms and considering the request of TANGEDCO request to provide accessibility to take out / transport another transformer via OSR land on the other side, Commission directs both parties to facilitate the supply to the consumers at the earliest with the following conditions as follows:
- (1) The proposed land area to be handed over by the developer to TANGEDCO with 18 meters road on one side, OSR land on other side and other two sides belonging to private parties.
  - (2) To erect the sub-station and to consider TANGEDCO's request on maintenance point of view, temporary fencing may be laid for road approach by M/s.Navin Housing and Properties Pvt. Limited on OSR land for the width of 6 meters and the land may be handed over to TANGEDCO immediately.
  - (3) No permanent structure to be erected by TANGEDCO till the land is handed over to them.
  - (4) As per minutes of Joint inspection the Petitioner has to provide a clause in the bylaws of the Association to erect temporary fencing

for 6 meters road width on OSR land till it was officially handed over to TANGEDCO in future and to approach local body to get NOC for the same.

- (5) TANGEDCO shall also assist the developer in getting OSR land from the local body via by issuing necessary supporting documents / letters.
- (6) Extra amount involved in acquiring the OSR land from the local body to be borne by the developer.
- (7) After getting marked land and temporary fenced area in OSR land TANGEDCO has to start the sub-station erection work immediately and complete it at the earliest. The supply to the new service connections shall be effected from the existing infrastructure immediately.

With the above direction the petition is finally disposed of.

(Sd.....)  
**(K.Venkatasamy)**  
Member (Legal)

(Sd.....)  
**(Dr.T.PrabhakaraRao)**  
Member

(Sd.....)  
**(M.Chandrasekar)**  
Chairman

/True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission