

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

PRESENT:

Thiru M.Chandrasekar Chairman
Dr.T.Prabhakara Rao Member
and
ThiruK.Venkatasamy Member (Legal)

R.P.No.1of 2020
in
M.P. No.8 of 2019

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

.... Petitioner
(Thiru D.Stephen
Advocate forthe Petitioner)

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.

Dates of hearing : 28-01-2020; 10-03-2020; 04-08-2020;
08-09-2020; 06-10-2020 and 13-10-2020

Date of Order : 09-11-2020

The R.P.No.1 of 2020 in M.P. No.8 of 2019 came up for final hearing on 13-10-2020. The Commission upon perusal of the petition and connected records and after hearing the submissions of the petitioner hereby makes the following:-

ORDER

1. Prayer of the Petitioner in R.P. No.1 of 2020 in M.P. No.8 of 2019:-

The prayer of the Petitioner in R.P.No.1 of 2020 in M.P. No.8 of 2019 is to review the order already passed in M.P.No 8 of 2019 on 10-12-2019 and revise the directions(2), (4) & the first part in direction(7) regarding the temporary fencing in OSR land is concerned in paragraph 5.14 of the judgment in accordance with the prevailing Laws, Statutes & Regulations since it is legally not correct to provide temporary fencing by this petitioner in the OSR land which was already handed over to the State (Government) by this Petitioner and is also against law and Commission may further be pleased to pass suitable orders/directions modifying said conditions regarding provision of temporary fencing as it deems fit and proper in the ends of justice.

2. The Commission has passed the order in M.P No. 8 of 2019 on 10-12-2019 with the following directions:

(a) *The proposed land area to be handed over by the developer to TANGEDCO with 18 mts road on one side,*

OSR land on other side and other two sides belonging to private parties.

(b) To erect the substation and to consider TANGEDCO's request on 'maintenance point of view, temporary fencing may be laid for road approach by M/s. Navin Housing & Properties Pvt. Ltd on OSR land for the width of 6mts and the land may be handed over to TANGEDCO immediately.

(c) No permanent structure to be erected by TANGEDCO till the land is handed over to them.

(d) As per minutes of Joint Inspection, the petitioner has to provide a clause in bylaws of the Association to erect temporary fencing for 6mts road width on OSR land till it was officially handed over to TANGEDCO in future and approach the Local Body to get NOC for the same.

(e) TANGEDCO shall also assist the developer in getting OSR land from the local body via by issuing necessary supporting documents /letters.

(f) Extra amount involved in acquiring the OSR land from the local body to be borne by the developer.

(g) After getting marked land and temporary fenced area in OSR land TANGEDCO has to start the substation work immediately and complete it at the earliest. The supply to the new service connections shall be effected from the existing infrastructure immediately.

3. The Review Petition has been filed to review the above directions to the extent as mentioned in Para 1 above.

4. In the hearing held on 28-01-2020, the Commission took up the Review Petition filed by the Petitioner and passed the following order:-

“The petitioner shall make a request to TANGEDCO to move the local authority to transfer the required land for fencing with an undertaking to pay the market value of the land to be transferred to the Petitioner. On such request being made by the petitioner, TANGEDCO is directed to approach the Local Body for transfer of the required land and transfer the same to TANGEDCO for this purpose. The case is adjourned to 10-3-2020 for reporting compliance”.

4. In the hearing held on 10-03-2020 and 04-08-2020, TANGEDCO has been directed to give electricity connection to the petitioner and proceed further for acquiring land formalities. In the hearing held on 06-10-2020, the Standing Counsel for TANGEDCO has submitted that 20 numbers of service connections have been effected and the remaining would be effected on payment. However, the Counsel for the Petitioner disputed the Commission directed TANGEDCO to file the details of the applications received and the number of service connections effected. On 13-10-2020, the Standing Counsel for TANGEDCO has appeared and filed an affidavit and informed that out

of 416 numbers of applications 412 service connections have been effected and remaining 4 service connections would be effected only after making payment.

5. The Commission upon perusing the petition and connected records and after hearing the submissions of both parties passes the following order:-

ORDER

The petition is closed as complied.

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

(Sd.....)
(Dr.T.Prabhakara Rao)
Member

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

/True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission

