

rate which is higher than the domestic tariff structure of CESCO. On this account, there is a lot of resentment amongst the outside consumers and PPT is entangled in several litigations. This arrangement of distribution of power supply for public services is continued only because of public convenience whereas it may not be legally permissible for PPT to make distribution of power supply to outsiders because PPT is not a Licensee. In order to provide power supply to outsiders other than Port employees, PPT has been paying over drawal penalty for which there are serious audit objections. Therefore, he has prayed that CESCO should immediately take up the distribution network in PPT area so as to provide power supply to all the outside consumers except PPT employees.

2. In response to that, CESCO has submitted that the petitioner has been given single point power supply in 33 KV side for 7.5 MVA under 'Large Industry' Category with effect from 1975. From February, 2000, the tariff with respect to the petitioner has been changed from Large Industry Category to General Purpose tariff. In the mean time, on the application of the petitioner, the contract demand of the petitioner has been enhanced from 7.5 MVA to 15 MVA and accordingly an Agreement has been executed by the petitioner with CESCO on 8th May, 2001. The proposed transfer of installations for supply of power to outsiders are within the premises of PPT and are covered within this enhancement of contract demand of 15 MVA. Further, the distribution systems proposed to be transferred by the petitioner, are very old and the entire distribution system has been made through underground cable. CESCO had contented that taking over of the

electrical system of PPT would not be a viable proposition as the net work would call for large investments for repair, maintenance and renovation.

3. We have heard the arguments of both the parties. In our order dt.15th September, 2001, we have directed the PPT to furnish copies of the petition and order of the Hon'ble High Court with regard to cases by outsiders whose power supply has been disconnected for nonpayment of energy charges within a week. The PPT authorities were also directed to furnish single line diagram of the electrical installations in the project area within a week, but the same were not furnished. The contract demand of the PPT is 15 MVA. The petitioner has enhanced the contract demand and executed the Agreement on 8th May, 2001. The said Agreement under the OERC Distribution (Conditions of Supply) Code, 1998 shall continue for a period of five years. The petitioner has enhanced the contract demand keeping in mind the present installations which include power supply to the outsiders. Moreover, the Agreement has been executed for a singly point power supply. As indicated by CESCO, the distribution system proposed to be transferred by the petitioner are very old and the entire distribution system has been made through underground cable and it would not be financially and commercially viable on the part of CESCO to take over the installations and systems and accessories.
4. The Regulation has been framed with a very clear objective that in campuses where there is a mixture of loads like domestic, commercial establishment, water supply points, clubs, offices, workshops, etc. and providing service connection to

individual consumers from the supply line of the licensee is directly not available due to the absence of a frontage or a public path way, in such cases a composite tariff is taking care of these loads. The arrangement was that the owner of the campus will avail power supply at a single point and maintain the system and be responsible for the service connection to individual consumers within the campus. With this in view, the agreement in the past has been executed for a single point bulk supply for the entire project area.

In accordance with para 3(ii) of OERC (Exemption from License) Regulation, 1998, the Port Authorities can continue to supply electricity to their own employees' colony including ancillary facilities provided that no amount towards profit is charged for such supply.

5. Moreover, there is nothing in the OERC Distribution (Conditions of Supply) Code, 1998 for directing the Distribution Company to take over the electrical installations inside the project area.
6. In view of the above, the application of PPT for directing CESCO to take up the distribution network in PPT area so as to provide power supply to the outside consumers is rejected.

(B.C. JENA)
MEMBER

(H.S. SAHU)
MEMBER