

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**Present: Shri.K.J.Mathew Chairman
 Shri. M.P.Aiyappan Member
 Shri.P.Parameswaran Member**

December 1, 2010

Petition No. OP – 29

In the matter of
clearances applicable for mobile towers – clarification exempting BSNL from taking
permits for Mobile Towers

Read: Order dated 31-08-2010 of the Commission

INTERIM ORDER

As per decision in the order read above, in the case of connections to Cellular Mobile Towers that have already been given temporary connections in the past, and continue as temporary service since clearances have not been produced even after six months , service with all restrictions applicable for temporary connections as per KSEB Terms and Conditions of Supply , 2005 shall be allowed to be continued for a period of three months from the date of order within which period they will have to comply with clause 14 (9) (c) of the Terms and Conditions of Supply, 2005 as applicable to regular connections .The service connection shall be disconnected after giving notice if records of deemed permit/ deemed use certificate as per KMBR, 1999 are not produced within a period of three months from the date of order.

Now BSNL has filed a petition before the Commission requesting to issue directions to KSEB not to insist for any permits / use certificates in respect of Cellular Mobile Towers of BSNL as Government of Kerala in circular dated 30-10-2010 clarified that since BSNL is fully owned by the Government of India, BSNL need not be considered as a Non Governmental organization and hence BSNL do not require any permit under Rule 130 of Kerala Municipality Building Rules, 1999 for establishing Cellular Mobile Towers.

In the petition BSNL has requested interim relief by staying the operative portion of the Order of the Commission read above to the extent that disconnection of supply of Cellular Mobile Towers of BSNL which have not produced permit under Rule 130 of Kerala Municipality Building Rules, 1999 is not effected till the final disposal of the petition.

Commission after considering the request of the petitioner orders as per Sec 94(2) of Electricity Act, 2003 that in the case of all Cellular Mobile Towers of BSNL which have been given temporary connections but which have not produced the required permit under Rule 130 of Kerala Municipality Building Rules, 1999 for permanent connection shall not be denied electricity by disconnection till the disposal of the petition.

Sd/-
P.Parameswaran
Member

Sd/-
M.P.Aiyappan
Member

Sd/-
K.J.Mathew
Chairman

Approved for issue

Secretary