

PGVCL

ગ્રાહક તકરાર નિવારણ ફોરમ, ભુજ

પ્રિયમ ગુજરાત વિજ કંપની લીમીટેડ
પાવર હાઉસ કંપાઉન્ડ, જી કે જનરલ હોસ્પિટલ સામે, ભુજ
ફોન: ૦૨૮૩૨-૨૫૩૫૫૦ ફેક્સ: ૦૨૮૩૨-૨૫૦૦૪૮
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નં:કેસી/સીજીઆરએએફ/૨૦૧૮/૧૫૫

તારીખ: ૩/૧૧/૧૮

રજી. એ. ડી. દ્વારા

પ્રતિશ્રી,

મેસર્સ એસઆરએસએસ એગ્રો,

સર્વે નંબર -૬૮૮/૩ નેશનલ હાઇવે ૮-એ,

ગામ- વાંઢીયા,સામખીયાળી,

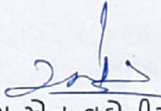
જી-ભુજ, મોબાઇલ નંબર:- ૯૭૧૨૭ ૧૧૦૧૦

વિષય :- કેસ નંબર પીજી ૦૩/૦૦૧/૨૦૧૮-૧૯

સંદર્ભ:- આપની અરજી નોંધણી નં. પીજી ૦૩/૦૦૧/૨૦૧૮-૧૯

મહાશય શ્રી,

આપના દ્વારા ગ્રાહક તકરાર નિવારણ ફોરમ ભુજ સમક્ષ કરવામાં આવેલ અરજીના ચુકાદાની પ્રમાણિત નકલ આ સાથે સામેલ છે. જે આપની જાણ સારું.


(એસ એન વહોનીયા)

કન્વીનર

ગ્રાહક તકરાર નિવારણ ફોરમ,ભુજ.

બિડાણ-ઉપર મુજબ

- (૧) અધિક્ષક ઈજનેર, પીજીવીસીએલ, વર્તુળ કચેરી, અંજાર
- (૨) કાર્યપાલક ઈજનેર, પીજીવીસીએલ, વિભાગીય કચેરી, ભયાઉ
- (૩) નાયબ ઈજનેર, પીજીવીસીએલ, પેટાવિભાગીય કચેરી, સામખીયાળી

..... ચુકાદાની નકલ સામેલ છે.ગુજરાત વિદ્યુત નિયંત્રણ આયોગ(ગ્રાહક તકરાર નિવારણ ફોરમ અને લોકપાલ) વિનિયમો-૨૦૧૧ જાહેરનામા ક્રમાંક ૨/૨૦૧૧ ની વિનિયમ નં ૨.૫૦ ફોરમે પસાર કરેલ આદેશ પરવાનેદાર અને ફરીયાદીને બંધનકર્તા રહેશે.તેમજ વિનિયમ નં ૨.૫૧ અનુસાર સદર આદેશનું પાલન આદેશ મળ્યાના ૨૧ દિવસ ની અંદર કરવાનું રહેશે. જે અંગે વિનિયમ નં ૨.૫૨ અનુસાર ફોરમ અને ફરીયાદીને પાલનની તારીખથી ૭(સાત) દિવસ અંદર ફોરમના આદેશ અંગે પાલન અહેવાલ રજૂ કરવો. ફોરમના આદેશનું પાલન ન કરવાની બાબતે વિનિયમોના ભંગ ગણવામાં આવશે અને યોગ્ય ઉપાયાત્મક પગલાં માટે જવાબદાર બનશે જેની નોંધ લેશો.

CONSUMER GRIEVANCES REDRESSAL FORUM

BHUJ CIRCLE

Power House Compound, hospital Road, Bhuj – Kutch

Phone No.(02832) 253550 / 255377

Fax (02832) 250048

REF : PGVCL/CGRF/18/154

Dtd. 31/11/18

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM OF

PASCHIM GUJARAT VIJ COMPANY LIMITED

Case No: PG-03-001-2018-19

Appellant : SRSS Agro.
Address : Survey No. 689/3, N.H. 8-A,
Village: Vandhiya, Samakhyali, Dist. Kachchh-Gujarat : (370150).
Represented by : Shri Kishan Agarwal (Authorised Signoturity).

V/S

Respondent : Executive Engineer, PGVCL, Division Office, Bhachau.
Represented by : 1) Shri R D Menghani, S.E, PGVCL, Anjar Circle Office.
2) Shri J Y Rao, E.E., PGVCL, Bhachau Division Office.

::QUORUM::

- 1) Shri J B Parekh, Chairperson
- 2) Smt N H Joshi, Independent Member



Date of Hearing : 19.10.2018
Place of Hearing : CGRF, Conference Hall, PGVCL, Bhuj Circle Office.

Proceedings

- 1.0 The present petition is filed by the appellant in the forum seeking Load Extension in HT Consumer No. 32403.
- 1.1 To withdraw exorbitant estimate for load extension raised as outstanding arrears in Energy Bill.

Representation of Appellant



- 2.0 The appellant has represented the case as under:
- 2.1 We are a small scale industry and our interest of setting up an agro unit in Gujarat was due to vibrant Gujarat promoted by the Govt. of Gujarat for which we shifted our business activity from Haryana to Gujarat.
- 2.2 Our balance sheet for the financial year 2017-18 is attached herewith (copy attached Annexure A). We are hardly a profit making firm. We have only achieved a small profit amounting to Rs. 7,41,583.53 and our loans liability is Rs.92,68,124.49. This is the major reason for our liability to pay an estimate amount by Rs. 37,71,808.00 towards the load enhancement of only 120 KVA.
- 2.3 We were the first to approach the PGVCL Authority in the month December-2015 for the Enhancement of our CD from 180 KVA to 300 KVA.
- 2.4 The local PGVCL Authority has not followed the time line as Prescribed to be followed in the SOP as per GERC Regulations, SOP Notification No.10 of 2005, Chapter IX release of New Connection Clause 9.3.
- 2.5 We are at no fault if the PGVCL Authority fail to serve us an Estimate within 15 days of Our Application for the Load Enhancement.
- 2.6 We were served the 1st estimate on 8th May 2017 ie. after a period of 17th months. This estimate levied the entire feeder line Augmentation charge to us.
- 2.7 We strongly believe that had PGVCL served us an estimate in 2015-16 after our application. We would have readily paid the estimate. Having said we again reiterate that if all the details of the load released during the said period ie December to May-2017 is studied and analysed, we are pretty sure that certain new HT/LT connections would have been released on the said 11 KV Surajbari Feeder and based on the GERC Regulations, SOP Notifications No.10 of 2005, the % HT VR norms would not have been truly satisfied. So in Nut shell, our firm representation is that why only we are being targeted pay such huge amount for the entire feeder and that too for only 120 KVA. Alternatively, if the said norms are violated, then PGVCL should departmentally replace the conductor of the said

feeder. Alternatively, we should be only charged on pro-rata basis for recovering the line Augmentation charges.

- 2.8 Considering all the above said facts and looking to the figures. We humbly request you to study and interpret our case minutely and further request you to withdraw the amount of Rs.37,09,963.65 raised as outstanding arrears against us exorbitantly. We are ready to pay the suitable pro-rata line charges towards the enhancement of our contract demand but it is beyond our capacity to pay the aforesaid huge amount.



Representation of PGVCL

3. PGVCL Bhachau has represented the case as under:
- 3.1 Above consumer applied for load extension in the month December-2015. Documents were sent to Bhuj Circle for appropriate verification & same were audited on 29.01.2016. Thereafter survey was carried out to release 120 KVA load extension for 180 KVA existing HT connection. According to $180 \text{ KVA} + 120 \text{ KVA} = 300 \text{ KVA}$, 11 KV Surajbari feeder was showing 15.09% HT VR Calculation. Thereafter calculating 14.8 KM Dog conductor conversion: 11 KV surajbari feeder was showing 9.77% HR VR calculation. Even after feeder bifurcation % HR VR was showing beyond permissible limit for 120 KVA load extension.
- 3.2 Thereafter, there was creation of circle office Anjar & guidelines were asked from Anjar circle office by Bhachau Division vide BDO/T1/HT/SRSS Agro/3775 Dtd.05.10.2016. Anjar circle office instructed Bhachau Division vide AC/Tech2/Estimate/32403/2017/736 Dtd.20.02.2017 to obtain new documents from HT consumer & process the same after getting all documents pre-audited with Anjar circle.
- 3.3 Again fresh Registration was carried out by HT consumer for 120 KVA load extension by paying registration charges Rs.12000/- vide MR No.110149 Dtd. 30.01.2017 & again Rs. 1200/- paid vide MR No. 15671 Dtd. 26.04.2017. On getting technical feasibility by 14.85 KM conversion of 11 KV surajbari feeder from 55 sg mm AAA conductor to 100 sg mm Dog conductor, total estimate worth Rs. 41,71,879/- was served to consumer vide BDO/HT LE Estimate/17/1932 Dtd.08.05.2017. According

to column No. 08, validity of estimate was mentioned as one month from date of issue. If estimate is not paid with one month the same will be treated as cancelled.

- 3.4 This consumer was utilized additional load without permission for entire year 2017-18. This connection was originally released in June 2012 having contract demand 180 KVA. Moreover 210 KVA demand was registered in July 2012 ie immediately after next month of release. Thus consumer found utilizing additional load since release of connection i.e. from the year 2012. Hence, consumer has violated company rules since long.
- 3.5 In case of HT, EHT & demand based LT connections: if the maximum demand was recorded to be in excess of contract demand by 5% or more at least four times during last financial year, the licensee is supposed to initiate actions as per clause 4.95 of supply code notification no.04 of 2015. Accordingly, suomoto estimate was issued to HT consumer for total amount worth Rs. 37,71,808/- by Bhachau Division vide BDO/HT Estimate/18/2388 Dtd. 17.05.2018.
- 3.6 Consumer has represented that other LT consumer are released from 11 KV Surajbari feeder and based on the GERC Regulation Sop Notification No 10 of 2005. the % HT VR norms would not have been truly satisfied. PGVCL Bhachau replied that LT industrial connections are released by paying fixed charge estimate in which PGVCL is supposed to create infrastructure nextwork. Hence, there is no question of % HT VR for LT industrial connections. Thus no separate infrastructure charges are obtained from LT industrial consumers.
- 3.7 Furthermore, it is under planning for creation of new 66 KV Shikarpur S/S for the year 2018-19. After creation of 66 KV Shikarpur S/S: 11 KV Surajbari feeder shall be bifurcated & feeder will get % VR within permissible limit.
- 3.8 Due to continuous violation of contract demand every month by HT consumer recently 15/5 Amp-11 KV CTPT unit control cable & modem were damaged. Hence CTPT unit & control cable were replaced on 08.10.2018.
- 3.9 Due to continuous registering of excess MD in the meter of HT consumer from 2012 to 2018, PGVCL has processed to regularize additional load by issuing suomoto estimate as per supply code clause number 4.95 which is not paid by consumer due to which amount of estimate is incorporated in revised HT bill for the month July 2018.



Order



4. We have considered the contents of the appellant & respondent and the facts, statistics & relevant papers which are on record and considering them in details our findings are as under:
 - 4.1 Originally HT consumer SRSS Agro was released in the month June-2012 having contract Demand 180 KVA.
 - 4.2 Consumer applied in the month December 2015 for enhancement of contract demand from 180 KVA to 300 KVA ie 120 KVA additional load.
 - 4.3 Although document were pre-audited by Bhuj circle on Dtd.29.01.2016, Estimate was not issued by Bhachau Division, due to technical non-feasibility at that time.
 - 4.4 Therefore, there was creation of Anjar circle office & jurisdiction of Bhachau Division was transferred from Bhuj circle to Anjar circle.
 - 4.5 Again guide lines were asked by Bhachau Division from Anjar circle vide BDO/T1/HT SRSS Agro/3775/ Dtd.05.10.2016.
 - 4.6 Bhachau division letter no. BDO/T1/HT LE/SRSS Agro/1037 Dtd. NIL was received by consumer on Dtd. 10.03.2017 in which consumer was informed that previous application stands cancelled & he must apply with fresh documents.
 - 4.7 Consumer resubmitted fresh documents at Bhachau Division along with fresh registration fees Rs.1200/- vide receipt no.15671 Dtd.26.04.2017 for load enhancement from 180 KVA to 300 KVA ie 120 KVA load enhancement.
 - 4.8 To bring % VR within permissible limit proposal was prepared by Bhachau Division for conversion of 14.85 km 55 mm² AAA conductor to 100 sg mm Dog conductor for 11 KV Surajbari feeder.
 - 4.9 Accordingly, Bhachau division issued an estimate worth Rs. 41,71,879/- by letter no. BDO/HT LE Estimate/17/1932 Dtd. 08.05.2017
 - 5.0 First registration was made by consumer in the month December 2015 & Second registration was made by consumer in the month April 2017 Between December 2015 to March 2017, PGVCL has failed to follow conditions of SOP. No Communication is conveyed to this consumer continuously for 15 months.
 - 5.1 Anyhow, looking towards technical feasibility of 11 KV Surajbari feeder, if estimate was issued earlier by PGVCL amount of estimate might not have reduced.

- 5.2 Considering amount of estimate Rs. 41,71,879/- being too high for small scale industry was not paid by consumer.
- 5.3 Anyhow, consumer has paid short fall amount of security deposit ie Rs.4,47,437/- for the review period from April 2016 to March 2017 & paid the said amount vide Receipt No. 15885 Dtd.10.07.2017
- 5.4 PGVCL Bhachau Division issued notice to consumer on Dtd. 27.11.2017 to control demand within permissible limit otherwise supply code condition 4.95 will be initiated.
- 5.5 PGVCL Anjar circle also issued notice to consumer on Dtd. 05.12.2017 to control demand within permissible limit failing which supply code condition 4.95 will be initiated.
- 5.6 M/s SRSS Agro requested PGVCL on Dtd. 08.01.2018 that cost of above estimate is beyond their reach.
- 5.7 As per supply code condition 4.95, PGVCL Anjar circle approved suomoto estimate worth Rs. 37,71,805/- vide Anj/Co/HT/2758 Dtd.10.05.2018 in which amount of 14.85 km consummation of conductor is raised. (enhancement of CD from 180 to 310 KVA)
- 5.8 PGVCL Bhachau Division issued suomoto estimate worth Rs. 37,71,808/- vide BDO/HT/Estimate/18/2388 Dtd. 17.05.2018
- 5.9 Consumer again intimated PGVCL on Dtd. 17.05.2018 that suomoto estimate worth Rs. 38 lacs for raising only 130 KVA for a single consumer is highly unjustified.
- 6.0 Finally amount of above estimate was incorporated by PGVCL Bhachau Division in revised energy bill of July 2018.
- 6.1 Bhachau division issued disconnection notice on Dtd. 30.07.2018 to clear outstanding arears amount Rs. 45,57,323.81/- (amount of estimate plus regular energy bill of July 2018) Only current month energy bill was paid by consumer on Dtd. 23.07.2018
- 6.2 Again Bhachau Division issued Disconnection notice on 30.08.2018 to clear outstanding arears amount Rs. 45,49,066.30/- (amount of estimate plus regular energy bill of August 2018) Only current month energy bill was paid by consumer by RTGS on Dtd. 27.08.2018



- 6.3 Consumer replied PGVCL on Dtd. 11.09.2018 with a request not to disconnect power supply as they intend to file their case before CGRF.
- 6.4 Consumer appeared before CGRF on Dtd. 18.09.2018 & final hearing was made at CGFR Bhuj on Dtd. 19.10.2018.
- 6.5 From entire proceeding, Forum concludes:
- ✓ PGVCL has failed to issue estimate from December 2015 to April 2017 ie standard of performmace is not observed by PGVCL that time.
 - ✓ This might be due to bifurcation of Bhuj circle & creation of Anjar circle at that time.
 - ✓ Consumer violating contract demand since release of connection ie June 2012.
 - ✓ Considering technical aspects, presently there is no technical feasibility except 11 KV Surajbari feeder having high % VR regulation.
 - ✓ Considering Present situation, PGVCL has observed proper norms to prepare estimate. There is on other provision like pro-rata charges.
 - ✓ Either consumer has to restrict their demand within contract demand or they have to pay estimate as per PGVCL norms.
 - ✓ As reported by PGVCL, new 66 KV shikarpur S/S is likely
 - ✓ to get commissioned as per planning of 2018-19.
 - ✓ PGVCL may decide the feasibility after commissioning of 66 KV shikarpur S/S.
 - ✓ PGVCL is directed to give two months time limit extension from date of order for payment of estimate.
 - ✓ If consumer fails to restrict their maximum demand within contract demand, PGVCL is directed to disconnect the connection after issue of disconnection notice as per norms.
 - ✓ The present petition filed by the Applicant to withdraw the estimate issued by PGVCL for enhancement of load cannot be entertained until other technical feasibility is established.
- 6.6 We order accordingly.
- 6.7 With this order, representation/application stand disposed of.



Somjit Joshi
(N H Joshi)
Independent Member

J.B. Parekh
(J.B. Parekh)
Chairperson

Note:

- (1) If aggrieved by the order, the applicant may make a representation to the Ombudsman within a period of 30 days from the date of this order.
- (2) As per Gujarat Electricity Regulatory Commission, (Consumer Grievances Redressal Forum & Ombudsman) Regulations, Notification No: 2 of 2011 A representation may be entertained by the Ombudsman only if the following Condition is satisfied Clause No 3.17(viii): The complainant has deposited one third amount in terms of Forum's order, if required, with Licensee & submit proof of payment made.
- (3) Address of Ombudsman:

Office of the Electricity Ombudsman
Barrack No.3, Polytechnic compound,
Ambawadi, Ahmedabad-380015.
Phone No. (079) 26302689

