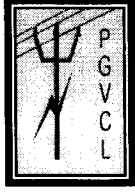


ફોન નં. (૦૨૭૮)૨૫૨૧૭૬૦, ૨૫૨૧૭૬૧, ૨૫૨૧૭૬૨,

ફેક્સ નં. (૦૨૭૮) ૨૫૨૧૭૬૩,



પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

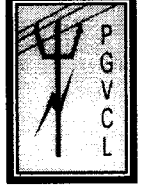
ગ્રાહક ફરિયાદ નિવારણ કેન્દ્ર

ઝોનલ કચેરી, જુના પાવર હાઉસ કમ્પાઉન્ડ, ચાવડી ગેટ, ભાવનગર.

e-mail: [forumbhavnagar.pgvc@gmail.com](mailto:forumbhavnagar.pgvc@gmail.com)

Mob.No. (Chairman) 9099972492

Mob. No. (Convener) 9925213507



ક્રમાંક : બીએડ/ફોરમ/૧૦૨/૧૮-૧૯

૬૧૦૦

તારીખ:

૧૫ મે ૨૦૧૯

આર.પી.એ.ડી.

To,

મે. કે.બી. ઇસ્પાત પ્રા.લીમિટેડ,

તિરૂપતી હાઉસ, પ્લોટ નં. ૯૩/એ,

ગીતા ચોક,

ભાવનગર - ૩૬૪ ૦૦૧..

કેસ નં.: ૧૦૨/૧૮-૧૯

વિષય : એચ.ટી.પી. ટેરીફ-૪ મુજબના બિલ અંગે.

સંદર્ભ : ૧) આપનો પત્ર તા. ૦૮.૦૮.૧૭.

૨) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૧૦૨/૧૮-૧૯/૪૦૧૮ તા.૦૬.૦૯.૧૮

૩) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૧૦૨/૧૮-૧૯/૪૬૮૩ તા.૧૧.૧૦.૧૮.

જાહેરાત

શ્રીમાન,

આપશ્રીની, ઉપરોક્ત વિષયના સંદર્ભમાં આપના દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગર સમક્ષ કરેલ રજુઆતના સંદર્ભમાં આપશ્રીને ફોરમ સમક્ષ તા. ૨૩.૧૦.૧૮ નાં રોજ સાંભળવામાં આવેલ. જેના સંદર્ભમાં ગ્રાહક ફરિયાદ નિવારણ ફોરમ દ્વારા આપવામાં આવેલ ચુકાદો આ સાથે સામેલ છે.

આપશ્રીની જાણ સારૂ.

કન્વીનરશ્રી,

ગ્રાહક ફરિયાદ નિવારણ ફોરમ

પીજીવીસીએલ., ઝોનલ કચેરી

ભાવનગર.

બિડાણ:- ઉપર મુજબ.

પ્રતિ: કાર્યપાલક ઈજનેરશ્રી,

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

વિભાગીય કચેરી, ભાવનગર ગ્રામ્ય.

... ગુજરાત વિદ્યુત નિયંત્રક આયોગના જાહેરનામા નં. ૨/૨૦૧૧ની કલમ. ૨.પર મુજબ સદર હુકમનું પાલન કરી જરૂરી અહેવાલ અત્રેની કચેરીને ફરજીયાત પાઠવવાનો રહેશે.

નકલ રવાના:- શ્રી અધિક્ષક ઈજનેર, પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ, વર્તુળ કચેરી, ભાવનગર.



(BEFORE CONSUMER GRIEVANCE REDRESSAL FORUM, PGVCL, BHAVNAGAR)

CONSUMER GRIEVANCE REDRESSAL FORUM  
P.G.V.C.L., Zonal Office,  
Old Power House Compound, Chavdigate,  
Bhavnagar.

Case No. 102/17-18.

Plaintiff :- M/s. K.B. Ispat Pvt. Ltd.

◇ V/s. ◇

Respondent :- Paschim Gujarat Vij Company Limited.

◇ Presentation Date :- 23/10/2018 ◇

Represented by (Plaintiff) :- Shri Vikrambhai Shah (Consultant)  
on behalf of M/s. K.B. Ispat Pvt. Ltd.

Represented by (Respondent) :- Shri N.K. Chudasama, E.E. Rural Division,  
Bhavnagar. (Paschim Gujarat Vij Company Limited)

The Plaintiff M/s. K.B. Ispat Pvt. Ltd., At-Bhavnagar had applied before The Convener, C.G.R.F., Bhavnagar for grievance of switching over and considering tariff of HTP-IV from Nov.-17 of HT Consumer No. 24031 given by PGVCL. The application registered at this office as case No. 102/18-19 and sent to The S.E., Bhavnagar for reply submission vide letter No. BZ/Forum/102/18-19/4018 Dt. 06.09.18 under intimation to the Plaintiff.

Forum has informed the Plaintiff for personal hearing on dtd. 15.09.18 where plaintiff remain absent. Then on 2nd hearing date 23.10.18. On behalf of Plaintiff Shri Vikrambhai Shah (Consultant) was present. And Shri N.K. Chudasama, Exectutive Engineer, Rural Dn, Bhavnagar was present on behalf of respondent (P.G.V.C.L.).



**: Plaintiff Representation :**

**Subject: Filing of application against denial of HTP IV tariff and issue of bill under HTP I tariff for the month of November 2017 in our EH T connection No.24031 in name of M/S KB Ispat Pvt. Ltd. at Village: Maglana, Bhavnagar, Vallabhipur road, Tal.: Sihor, Dist: Bhavnagar.**

We are manufacturer of ingot and billet by induction furnace. Considering the severe recession in the market, we had applied to switch over to H TP IV tariff from month of November 2017, where we can power for production from 2200 hours to 0600 hours next day only to make our product cost effective. The Executive Engineer (Rural), PGVCL Bhavnagar had denied the permission for HTP IV for November 2017.

Against the subject decision with a prayer to quash the denial and revising bill with H TP IV tariff, we are filing this application in your forum under GERC notification of 2 of 2011.

The application for the same is attached with this letter.

**APPLICATION to FORUM FOR REDRESSAL OF GRIEVANCE**

DT:04.06.2018

- |  |   |
|--|---|
| 1. Name of the Complainant:                | M/s K.B. Ispat Pvt.Ltd.<br>Pl. No. 93/A, " Tirupati House", Geeta Chowk,  |
| 2. Full address of the Complainant:        | Bhavnagar – 364 001.<br>Phone : 0278 2205082<br>Surve No. 15/3, Bhavnagar – Vallabhipur<br>Highway, Vill. Maglana TA. Sihor<br>Dist. Bhavnagar.   |
| Factory Address:                           |   |
| 3. Nature of Connection and Consumer No.   | HT Connection Cons. No. 24031   |
| 4. Distribution Licensee:                  | PGVCL   |
| 5. Name of the complaint receiving centre: | CGRF – Zonal Office, PGVCL, Chavdi Gate, Bhavnagar.<br>a. Wrong billing b. Recovery of arrears c. Faulty Meter d. Burnt meter d. Supply interruption e Harmonics in supply f. Supply voltage related g Deficient service h. Delay in providing new connection i. Reconnection j. Change in connected load k. Transfer of connection l Others (please specify) |
| 6. Category of grievance:                  |   |



7. Name of the employee/ the Executive Engineer(Rural)Employees or department against PGVCL, Bhavnagar. Whom grievance has been filed:

The Executive Engineer , Rural DN., PGVCL, Bhavnagar

8. Details of the complaint, facts giving rise to the grievance:

Attached in separate Sheet.

9. Nature of relief sought from the Forum.

Revision of energy bill for month of Nov.-17 issued with penalty under HTP -IV tariff with details of facts.

Encl. :

- 1 Details of facts
2. Copy of Ele. Bill of Nov.-17.
3. Copy of Application for HTP IV tariff for the month of Nov.-17.
4. Copy of the letter dtd. 07.11.17 of EE Rural DN.-BVN
- 5 . Copy of our Letter dated 17.11.17 to MD , PGVCL.
6. Copy of our letter dated (Comm.) GUVNL, to The GM ( Comm.) GUVNL, Vadodara.
7. Copy of our letter to the ACS & E&P Deptt., Gandhinagar dt. 22.11.17.
8. Copy of our letter to GERC dt. 22.11.17.
9. Copy of EE Rural , PGVCL, Bhavnagar letter dtd. 28.11.17.
10. Copy of EE Rural, PGVCL, BVN L.dt.05.12.17.
11. Copy of EE Rural, PGVCL, Bhavnagar dated 16.12.17.
12. Copy of our letter to GUVNL dt. 22. 12.17.

10. List of documents enclosed:  
Attached in separate sheet

**: Declaration :**

1) I/ We, the Complainant /s herein declare that :

(i) The information furnished herein above is true and correct; and

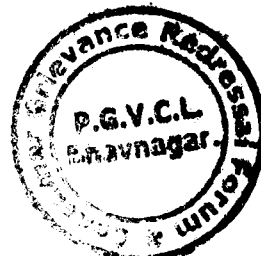
(ii) I/ We have not concealed or misrepresented any fact stated herein above and the documents submitted herewith.

(2) The subject matter of the present Grievance has never been submitted to the

Forum by me/ or by anyone of us or by any of the parties concerned with the

subject matter to the best of my/ our knowledge.

(3) The subject matter of my / our Grievance has not been settled through



(4) The subject matter of my / our Grievance has not been decided by any Competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator.

**: DETAILS OF COMPLAIN :**

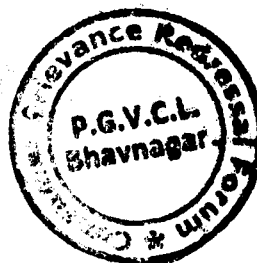
**BACKGROUND :**

- a) We are an EHT consumer with PGVCL Bhavnagar (Rural) division having connection No. 24031 and contract demand of 11500 KVA under HTP IV tariff. The power is used mainly in induction furnace for making M S Billets from ship recycled or outsourced iron scrape.
- b) We had opted for HTP IV tariff at the time of release the connection and opted to continue the same at the time of load extension. As per tariff, we take production during night hour i.e.10 pm to 6 am next day.
- c) We had a connection with 4000 KVA demand at 11 KV and the contract demand is extended to 11500 KVA at 66 KV voltage level in the month of January 2017 only. January 2017 was our first month of operation of new plant.
- d) The demand for electricity is reduced in night as commercial and other activities are minimized in night hours. The electricity generated in night is not used simultaneously than generation must be reduced as electricity cannot be stored. This in turn will reduce efficiency of the generator and more fuel will be used to generate a unit of power.

To minimize the losses, all the state has gives incentives to industries for consuming power during night by providing concessional tariff for night hours.

In line with that, Gujarat electricity Regulatory Commission approved HTP IV tariff which allow concessional power to the industries, using power exclusively in night hours only.

This tariff on one side gives concessional tariff to industries and on other side allows optimum use of generator during night. This is win-win situation for both sides.



- e) We had applied for change of tariff from HTP I to HTP IV tariff in line with tariff order for year 2017-18 issued by GERC for month of October 2017. The application was denied by The EE (Rural), PGVCL, Bhavnagar.

The unviable day time tariff is creating unbearable burden on our finance. So once again we applied to the Executive Engineer (Rural), PGVCL, Bhavnagar for changeover to HTP IV tariff for our connection for month of November 17 (Enclosure: 3). We received denial of our application vide his letter dated 7.11.2017 (Enclosure: 4). The reason stated in letter is condition No. 7 of GERC tariff for 2017-18. It is stated that we had used HTP IV tariff for two times in a year so we are not eligible for HTP IV tariff in November 2017.

A bill (Enclosure: 2) with penalty tariff of HTP IV (demand and energy charges equal to HTP I tariff) was issued to us. We had paid the bill vide MR NO. XG443137 dated 30/12/2017. Against the arbitrary denial of HTP IV tariff to us and illegal collection of bill with penalty from us, we are filing this application in the CGRF at Bhavnagar under PGVCL, in line with GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2011 Notification 2 of 2011.

- f) As per regulation 2.21 of GERC (Consumer Grievances Redressal Forum and (Ombudsman) regulation notification 2 of 2011 (will be called the regulation), Forums while dealing with the complains /Grievances shall follow the principle of natural justice including, inter alia the followings.

- (1) It shall protects the interest of consumers.

In line with above regulation, we are filing this application in the forum to get protected from the arbitrary issuing of bill from Distribution Company PGVCL.

- g) As per section 2.4 of the regulation,

After considering the Complaint/Grievance submitted by the Consumer, issue-wise comments on the Complaint/Grievance submitted by the Distribution Licensee, all other records available, the Forum shall complete the enquiry as expeditiously as possible and



every Endeavour shall be made by the Forum to pass appropriate order, on the Complaint/Grievance for its redressal within a maximum period of 45 days from the date of receipt of the Grievance by the Forum.

As per above, it is mandatory for respondent distribution Company, to give issue wise comment on our application. You are requested to guide the respondent accordingly.

h) Regulation 2.47 of the regulation 2 of 2011 says that,

The proceedings and decisions of the Forum shall be recorded and shall be supported by reasons. The order shall be a reasoned order either in Gujarati or English and signed by the members conducting the proceedings. Where the members differ on any point or points, the opinion of the majority shall be the order of the Forum. The opinion of the minority shall, however, be recorded and form part of the order. (emphasis added)

As per above regulations, we request a reasoned order in the matter by CGRF.

i) As per the schedule of tariff for year 2017-18 ordered by GERC, the HT tariff is divided in to 5 parts HTP 1 to HTP V. The tariff is reproduced below for your ready reference please.

**RATE: HTP-I**

This tariff will be applicable for supply of electricity to HT consumers contracted for 100 KVA and above for regular power supply and requiring the power supply for the purposes not specified in any other HT Categories.

As per above, the tariff HTP I is applicable to HT consumers having

- 1) Contract demand of 100 KVA and above
- 2) Required Regular power supply.
- 3) Requiring power supply for purpose not specified in any other HT categories.

In other words if power supplied required with any special purpose by the consumers as specified in other HT tariff categories than the consumer has not to opt for HTP I tariff category.

The special purpose are defined as following



**RATE HTP-II Applicability:** This tariff shall be applicable for supply of energy to HT consumers contracting for 100 KVA and above, requiring power supply for Water Works and Sewerage pumping stations run by Local Authorities and GW & SB, GIDC Water Works.

**RATE: HTP-III**

This tariff shall be applicable to a consumer taking supply of electricity at high voltage, contracting for not less than 100 KVA for temporary period. A consumer not taking supply on regular basis under a proper agreement shall be deemed to be taking supply for temporary period.

**RATE: HTP-IV**

This tariff shall be applicable for supply of electricity to HT consumers opting to use electricity exclusively during night hours from 10.00 PM to 06.00 AM next day and contracted for regular power supply of 100 KVA and above.

**RATE: HTP- V**

**HT - Agricultural (for HT Lift Irrigation scheme only)**

- This tariff shall be applicable for supply of electricity to High Tension Agricultural consumers contracting for 100 KVA and above, requiring power supply for lifting water from surface water sources such as canal, river and dam, and supplying water directly to the fields of farmers for agricultural irrigation only.

In Simple word, if a consumer required HT power for water works (HTP II) or for temporary period (HTP III) or for night Hours (H TP IV) or for agriculture purpose (HTP V) tariff will be applicable.

All other consumers will be catered power under HTP I category.

- j) There is a provision of interchange of category for H TP IV tariff with HTP I Tariff. The conditions for HTP IV tariff are narrated below for your ready reference please.
1. 15% of the contracted demand can be availed beyond the night hours prescribed as per para 16 above.
  2. 2.10% of total units consumed during the billing period can be availed beyond the night hours prescribed as per para 16 above.
  3. In case the consumer failed to observe condition no. 1 above during any of the billing month, then demand charge during the relevant billing month shall be billed as per HTP-I category demand charge rates given in para 13.1 of this schedule.





4. In case the consumer failed to observe condition no. 2 above during any of the billing month, then entire energy consumption during the relevant billing month shall be billed as per HTP-I category energy charge rates given in para 13.2 of this schedule.
5. In case the consumer failed to observe above condition no. 1 and 2 both during any of the billing month, then demand charge and entire energy consumption during the relevant billing month shall be billed as per HTP-I category demand charge and energy charge rates given in Para 13.1 and 13.2 respectively, of this schedule.
6. This tariff shall be applicable if the consumer so opts to be charged in place of HTP-I tariff by using electricity exclusively during night hours as above.
7. The option can be exercised to switch over from HTP-I tariff to HTP-IV tariff and vice versa twice in a calendar year by giving not less than one month's notice in writing.

The consumer of either tariff category (HTP I or HTP IV) can be switch over to other category with certain conditions specified in the tariff order. This arrangement is made considering the market situation and demand of the product manufactured by the consumer. In case of HTP IV, if after some time the consumer fill that the demand of its product is more in the market than he can switch over to HTP I tariff and allow to use power for 24 hours without any restriction but at the same time without any incentive for exclusively night use of power.

As per the condition No. 7 stated above a consumer can be switched over from HTP 1 tariff to HTP IV tariff and vice versa twice in a year. In other word a consumer can switch over tariff and again go back to original tariff (tariff at the start of the calendar year) and such switchover can be repeated two times in a calendar year.

This condition is stipulated for HTP IV consumer who has selected to use power during night hours only subject to above conditions No 1 to 7 mentioned above.

For changeover of tariff, an application is to be forwarded to the concerned Executive Engineer before 30 days of the billing cycle. The consumers who do not required to switchover need not give any application and can be continued in their respective tariff.

**::Ground for Application :**

- 1) We had applied for HTP IV tariff in the month of October 2017 and November 2017. Both times the tariff is not granted to us stating same reason.



The reason stated in denial letters (Enclosure: 4) the respondent had referred condition 7 of HTP IV and concluded that..

"During the calendar year 2017, you had already opted twice for HTP IV tariff, So as per the tariff provisions, your application for HTP IV tariff from 1.11.2017 cannot be entertain. You cannot opt for HTP IV tariff in calendar year 2017.

Please refer, condition 7 of HTP IV, it is not mentioned in the condition regarding not allowing change over if the consumer opted twice for the same tariff during a calendar year.

In fact we had opted second time when we asked for changeover from HTP I to H TP IV tariff in month of October 2017. We started our calendar year with HTP IV tariff only. So we opted for tariff only once and we asked for second change over. The interpretation of the condition by the respondent is wrong and the same is in violation of established practice and GERC tariff order for the year.

I) As per condition No. 7, we can switch over tariff and vice versa twice in a year. As we started from HTP IV tariff and we can switch over to HTP I tariff and come back to original tariff, and two times such switch over is allowed in a calendar year. In other word we can have 3 slots of the original tariff from which we started in a calendar year.

II) Graphically, it can be explained as below.

HTP V → HTP I → HTP IV

(Switchover)(vice versa):First time

HTV) V → HTP I → HTP IV

(Switchover) (vice versa) second time.

The last step of the cycle is illegally denied by the respondent against established practice and GERC tariff order.

III) In response to our representation to various authorities regarding this misinterpretation of the tariff, the corporate office of PGVCL had forwarded our representation and sought guidance from GUVNL authorities regarding the matter. The GUVNL had opined in his letter dated 23.11.2017, titled as "representation from M/S KB Ispat Pvt. Ltd. Bhavnagar",

In last Para of the opinion, it is clearly stated that



It is also to be clarified that this clarification shall be applicable from prospective effect and no past cases are to be opened to correcting the position unless consumer applies as per one more chance to be given as stated above. Since in case of M/S KB Ispat, PGVCL has given a chance which is not in line with above interpretation, consumer may be given one more chance to correct his position.

In response to above, we should be granted one more chance to observe HTP IV tariff.

- IV) We received a letter from the respondent on date 28.11.2017 that higher authority had informed him to give one more chance to us and accordingly, in response to our application dated 30.10.2017, the HTP IV tariff is granted to us from the month of November 2017. The instruction was based on corporate office PGVCL letter dated 24.11.2017 as shown in references of the letter sent to us.
- V) In a fresh development via letter dated 5.12.2017, the respondent had said that as per oral instruction received from competent authority from our corporate office, chance may be given to consumer from now onward application, not from retrospective effect so our letter ref(3) (letter dated 28.11.2017) should be treated as cancelled."

Now please go through the last Para of GUVNL opinion reproduced above. It is clearly stated that no past case to be opened unless consumer applies, one more chance should be given. In other word, past cases as per GUVNL should not be opened but in case any consumer applies than one more chance should be given to correct his position.

Regarding KB Ispat, it is clearly stated that one more chance to correct its position should be given. The whole guidance is titled as representation of M/S KB Ispat Pvt. Ltd. and the final verdict declared by some competent authority at corporate office is not a applicable to us as our application for November 2017 HTP IV tariff is submitted before the date of decision. This is a clear case of



unauthorized use of power observed by some competent authority, at corporate office who issued verbal order to deny the HTP IV tariff to us.

- VI) The drama further extended by one more letter dated 16.12.2017. The respondent had mentioned that he is informed to give one more chance to us in response to our application dated 30.10.17 with effect from December 2017. No explanation is rendered for such change. So our bill for the month of November 17 is made as per HTP I tariff though we run our factory as per HTP IV tariff in anticipation of Justice.
- VII) Though no official explanation is declared by the respondent, during our representation to higher authorities and Government regarding this injustice to us, it is said that at this time, they had used new version of condition 7 (third version) with pretext that the application is made not before 30 days of change of tariff.

The HTP IV tariff is introduced since 2009, with same condition of 30 days notice. Yet all the applications submitted till 2018, no application is submitted before 30 days from date of switchover. In spite of that all applicants granted changeover of tariff.

In our case only, the change of tariff is granted to us earlier even though we had applied within 30 days from the date of change over. The principle of estoppels as well as Tariff order is violated by the respondent in zest to collect illegal bill from us. All the established traditions are broken just to serve the penalty bill to us.

In this particular clause, we draw your kind attention on following points.

- Our application was rejected on the ground of more than 2 times HTP IV tariff in a year. There is no mention of 30 days limit in the denial letter.
- Since last 10 years, applications are accepted till last date from the date of changeover of power and always granted by the respondent.
- The 30 days limit, is given from date of change of tariff not from the date of change of power. The power is changed from the billing date but the tariff in bill changed from date of next billing cycle which is 30 days from the date of change-of power. So as per tariff order, we had applied before 30 days from date of changeover of tariff.



- If the respondent required any clarification regarding tariff order, he should have filed a petition in GERC and after getting clarification from commission, initiate change in procedure only after educating all consumers regarding the change.
  - The respondent PGVCL is encroaching the authority of regulatory Commission and bypassing them for illegal change in tariff order or its implication.
- VIII) No reasons are given for denying HTP IV connections nor any reasons are given for discontinuing previous practice, and hence such action is required to be strike down.
- IX) There is no nexus between such a decision and the object behind it. The decision is not a rational one and it is contrary to public policy.
- X) The decision is taken without taking the applicant in to confidence, the applicant was not even heard or his views in this regard were called for before discontinuing the practice which was in force for all these years which amounts to violation of principles of natural justice and hence the action is bad and required to be quashed.
- XI) The company has totally, overlooked the aspect of loss that we are likely to incur in today's dying economy; such decision will lead us to economic death.
- XII) Power supply is a basic need for any industry, the respondent are enjoying monopoly in this regard, but merely because they enjoy advantageous position, they may not be allowed to exploit the users by denying HTP IV connection and there by resort to exorbitant profit making. XIV. The rules and regulation are made for smooth operation of the system. Any misinterpretation which may result in catastrophic condition for the common consumer should be interpreted with positive attitude.
- Prima facie the denial of HTP IV tariff-to us by the respondent is against Indian electricity Act 2003 and regulations formed by GERC

### : Our Plea:

- I) You are requested to (quash the denial of) direct the respondent authority to allow HTP IV tariff by directing The Executive Engineer (Rural) PGVCL, Bhavnagar for the month of November 2017 .
- II) You are requested to give suitable direction to concern authorities to quash the bill for the month of November 2017 with HTP I tariff and issue fresh bill with H TP IV tariff.
- III) You are requested to grant any relief suitable as per rules and regulations.



**: Presentation of Respondent :**

2.1 M/s KB Ispat Pvt Ltd, Cons No. 24031, EHT Consumer has registered complaint regarding Dispute to switch over to HTP-4 tariff. Detail of the matter is as under :-

Name of Consumer : M/s. K B Ispat Pvt Ltd.

Consumer No. : 24031

Contract Demand : 11500 KVA.

Nature of complaint : "Consumer had given application for switch over to HTP-4 tariff for the month of Nov-17, which was not accepted."

2.2

Consumer has applied for change of tariff, as detailed below :

Month	Tariff	Detail
Jan-2017	HTP-4	For the calendar year-2017, in the month of Jan-17, consumer was under HTP-4 tariff. As per the application of consumer for Load Extension, Load 4000 + 7500 (LE) = 11500 kVA was released on Dt. 09.01.2017 with HTP-4 tariff.
Feb-2017	HTP-1	Consumer has given application Dt. 27.01.2017, for change of Tariff HTP-4 to HTP-1 from Feb-2017. Consumer billed under Open Access during this period.
Mar-2017	Do	
Apr-2017	Do	
May-2017	HTP-4	Consumer has given application Dt. 27.04.2017, for change of Tariff HTP-1 to HTP-4 from May-2017.
Jun-2017	Do	
Jul-2017	Do	
Aug-2017	Do	
Sep-2017	HTP-1	Consumer has given application Dt. 19.08.2017, for change of Tariff HTP-4 to HTP-1 from Sep-2017.
Oct-2017	Applied for HTP-4 but continued as HTP-1	Consumer has given application on 27-09-17, Not entertained by PGVCL Reply on 29-09-17, Consumer applied to stay with HTP1 13-10-17, Confirmation given for HTP1 Dt. 26-10-17.



NOV-2017	Applied for HTP-4	Consumer has given application on 30-10-17, Not entertained by PGVCL Reply on 07-11-17.
Dec-2017	HTP-4	As per Corporate office letter, one more chance given to consumer for HTP-4 tariff.

2.3

**Para wise reply to the consumer complaint is as under :-**

**I. As per HTP-4 tariff condition No.7**

*"The option can be exercised to switch over from HTP-I tariff to HTP-IV tariff and vice versa twice in a calendar year by giving not less than one month's notice in writing."*

As mentioned in Table above, Consumer has already opted two times HTP-4 tariff, We denied to switch over to HTP-4 tariff as per provision of HTP-4 tariff condition No.7, which was replied to consumer with reason as mention above.

**II. & III**

As per HTP-4 tariff Condition No.7, The option is given to switch over from HTP-I to HTP-IV tariff twice in a calendar year. For the calendar year-2017 consumer has already availed HTP-4 tariff in the month of Jan-2017 & May-2017 already, Hence we denied for next switch over. .

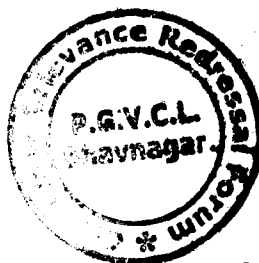
IV. Consumer has mentioned about their representation to various authorities.

V. As per the Corporate office Letter No. PGVCL/Reg Cell/12784 Dt. 24/11/2017, "Consumer may given one more chance during current year for switching over to correct his position". We informed consumer wide letter No. BRD/REV/HT/6383 Dt. 28.11.2017.

VI. As per the clarification and instruction received from competent authority, chance may be given to consumer for now onwards application & not from retrospective effect. We informed consumer accordingly.

VII. As Consumer has applied for switching over to HTP-4 tariff on Dt. 30.10.2017, and As per the Corporate office Letter No. PGVCL/Reg Cell/12784 Dt. 24/11/2017, one more chance given to consumer for switching over to HTP-IV tariff for the month of Dec-2017.

VIII. As per Condition No.7 "The option can be exercised ---- by giving not less than one month's notice in writing." It has been clearly mentioned that "**not less than one month's notice**".



The application was denied wide letter NO. BRD/REV/5974 Dt. 07-11-2017 on the ground of HTP-4 tariff condition No.7, the condition has been clearly mentioned in

said letter. Afterwards consumer representation and Corporate letter, in spite of earlier switch over, one more chance given to consumer.

IX. The application was denied wide letter No. BRD/REV/5974 Dt. 07-11-2017 on the ground of HTP-4 tariff condition No.7, the condition has been clearly mentioned in said letter.

X. to XIV.

The action taken in the matter is as per rules and regulations and as per tariff provisions.

### Our Prayer

From the above, it is clear that we act as per tariff provisions, which is as per rules and regulations. So, No any changes required as demanded by consumer.

### : Forum's Findings :-

Forum has heard Plaintiff, M/s K B Ispat Pvt Ltd. and Respondent, Executive Engineer, PGVCL, Bhavnagar and on the basis of representation from both party and the documents given, Forum has arrived on findings as bellow:

3.1 Plaintiff, M/s K B Ispat Pvt Ltd is EHT consumer of 11500 KVA load, bearing consumer no 24031 at village Manglana of Shihor taluka. Plaintiff's connection was released under HTP IV tariff by Respondent.

3.2 As per Tariff for the year 2017-18, under HTP IV tariff provision

Rate: HTP IV

This tariff shall be applicable for supply of electricity to HT consumers opting to use electricity exclusively during night hours from 10 PM to 06 AM next day and contracted for regular power supply of 100 KVA and above.

As per NOTE given in tariff structure

1.....

2.....

3.....

4.....





5.....

6.....

7. The option can be exercised to switch over from HTP-I tariff to HTP-IV tariff and vice versa twice in a calendar year by giving not less than one months notice in writing.

3.3 For the calendar year 2017, in the month of Jan-2017, consumer was under HTP-IV tariff. Upon Plaintiff's request dated 27.01.2017 for switching over their connection from HTP-IV to HTP-I, Respondent availed Plaintiff's request and switched over connection in to HTP-I from Feb-17 which was continued for Feb-2017 to April-2017.

Upon Plaintiff's request dated 27.04.2017 for switching over their connection from HTP-I to HTP-IV, Respondent availed Plaintiff's request and switched over connection in to HTP-IV from May-17 which was continued for May-2017 to Aug-2017.

Upon Plaintiff's request dated 19.08.2017 for switching over their connection from HTP-IV to HTP-I, Respondent entertained Plaintiff's request and switched over connection in to HTP-I from Sep-17 which was continued for Sep-2017 and Oct-17

Plaintiff had given application on 30.10.2017 to switch over connection from HTP-I to HTP-IV which was rejected by Respondent stating reason that tariff can not be switched over more than twice in a year as per clause no. 7 of NOTE of tariff under HTP-IV.

3.4 Subsequently, Respondent granted Plaintiff's application dated 30.10.2017 to switch over connection from HTP-I to HTP-IV from the month of Dec-2017. Respondent did not grant Plaintiff's application to switch over in to HTP-IV from Nov-2017, for which Plaintiff has approached and represented to Forum.

3.5 At first, while rejecting Plaintiff's application to switch over connection from HTP-I to HTP-IV, Respondent had rejected on the premise that connection could not be switched over more than two times in a year as per clause no.7 of NOTE tariff under HTP-IV. Respondent has not cited the reason that applicant should request to switch over the tariff (from HTP-I to HTP-IV and vice a versa) by giving notice note less than one month. But, while switching over connection from HTP-I to HTP-IV from the month of Nov-2017, Respondent stated that Plaintiff had not applied to switching over their tariff giving notice not less than one month's notice in writing.

3.6 As stated above at 3.3 Respondent has switched over Plaintiff's tariff from HTP-IV to HTP-I from Feb-2017 on Plaintiff's request dated 27.01.2017. Likewise from HTP-I to HTP-IV from May-2017 to Aug-2017 on Plaintiff's request dated 27.04.2017 and HTP-IV to HTP-I for Sep-2017 on Plaintiff's application dated 19.08.2017. Thus, till August during 2017 Respondent granted Plaintiff's application to switch over tariff from HTP-IV to HTP-I and vice a versa without observing one notice period.

3.7 Thus Plaintiff used to apply to switch over their tariff without giving one month's notice prior to effective month and in response to Plaintiff's notice, Respondent used to grant



Plaintiff's application and switched over relevant tariff. This practice was followed by Respondent.

3.8 Plaintiff's has produced GERC letter dated 04.08.2018 regarding clarification regarding notice period for switch over while availing benefit of night tariff. In the said letter GERC has mentioned "However, it is clarified that in case of any grievance or complaint or dispute of the consumer in this regard till 31th March, 2018, the same may be resolved by concerned distribution licensee in accordance with the practice followed by it prior to such dispute."


3.9 As per 3.7 above the practice that without giving and observing notice period not less than one month was followed by Plaintiff as well as Respondent.

3.9.1 As per 3.6, 3.7, 3.8 and 3.9 since Respondent has availed Plaintiff's application to switch over tariff from HTP-I to HTP-IV and vice a versa during the year 2017 though Plaintiff has not given notice prior to one month. In the instant case Respondent should avail Plaintiff's application for switching over HTP-I tariff to HTP-IV tariff with effect from Nov-2017.


**: ORDER :**

3.9.2 Order as per 3.9.1.

- If Plaintiff has any grievance against this judgement, then Plaintiff can represent to The Ombudsman Office, Block No. 3, Polytechnic Compound, Ambavadi, Ahmedabad in 30 days after this judgement.

  
( B.J. Dave )  
Independent Member

( Absent )  
( P.H. Mavani )  
Technical Member

  
( M.R. Vajaria )  
Chairman, C.G.R.F,  
P.G.V.C.L., Bhavnagar.

Date : 23.10.2018.

