



# પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

## ગ્રાહક તકરાર નિવારણ ફોરમ

ઝોનલ કચેરી, "વીજ સેવા સદન", ચાવડી ગેટ, ભાવનગર.

CIN : U40102GJ2003SGC042908

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ક્રમાંક: બીએડ/ફોરમ/૪૪/૨૦-૨૧/ ૨૩૧

તારીખ: 9 JAN 2021

આર.પી.એ.ડી.

પ્રતિ,  
મે.એસ.એસ.ઈન્ડસ્ટ્રીઝ,  
૨૦૫, બી-વીગ, લીલા એફસી,  
વાઘાવાડી રોડ,  
મું. ભાવનગર.

કેસ નં. ૪૪/૨૦-૨૧

મો.નં. ૦૨૭૮-૨૨૨૫૮૫૦/૩૦૦૫૮૫૦

**વિષય :** લોડ વધારાની અમારી અરજી કેન્સલ કરવા બાબત.

- સંદર્ભ :** (૧) આપનો પત્ર તા. ૨૩/૦૮/૨૦૨૦ જે અત્રેની કચેરી ને મળ્યા તા. ૨૪/૦૮/૨૦૨૦.  
(૨) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૪/૨૦-૨૧/૩૩૭૨ તા. ૨૮/૦૮/૨૦૨૦.  
(૩) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૪/૨૦-૨૧/૩૮૫૮ તા. ૧૨/૧૧/૨૦૨૦.  
(૪) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૪/૨૦-૨૧/૪૨૮૨ તા. ૧૫/૧૨/૨૦૨૦.

જાહેરાત

શ્રીમાન,

આપશ્રીની, ઉપરોક્ત વિષયના સંદર્ભમાં આપના દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગર સમક્ષ કરેલ રજુઆતના સંદર્ભમાં આપશ્રીને ફોરમ સમક્ષ તા. ૨૮/૧૨/૨૦૨૦ નાં રોજ સાંભળવામાં આવેલ. જેના સંદર્ભમાં ગ્રાહક ફરિયાદ નિવારણ ફોરમ દ્વારા આપવામાં આવેલ ચુકાદો આ સાથે સામેલ છે.

આપશ્રીની જાણ સારૂ.

કન્વીનર,

ગ્રાહક ફરિયાદ નિવારણ ફોરમ  
પીજીવીસીએલ., ઝોનલ કચેરી ભાવનગર.

બિડાણ:— ઉપર મુજબ.

પ્રતિ: કાર્યપાલક ઈજનેરશ્રી,  
પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ  
ગ્રામ્ય વિભાગીય કચેરી, ભાવનગર.

.....ગુજરાત વિદ્યુત નિયંત્રક આયોગના જાહેરનામા નં. ૨/૨૦૧૮ ની કલમ નં. ૨.૫૪ મુજબ સદર હુકમનાં પાલન અંગે થયેલ કાર્યવાહીનો જરૂરી અહેવાલ અત્રેની ફોરમ કચેરીને ફરજીયાત પાઠવવાનો રહેશે.

નકલ રવાના:—

(૧) શ્રી અધિક્ષક ઈજનેર, પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ, વતુળ, ભાવનગર.  
...આપની જાણ તથા જરૂરી કાર્યવાહી અર્થે.



(ગ્રાહક ફરિયાદ નિવારણ ફોરમ, પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ, ભાવનગર સમક્ષ)

ગ્રાહક ફરિયાદ નિવારણ ફોરમ,  
પ.ગુ.વી.કં.લિમિટેડ, ઝોનલ ઓફિસ,  
"વીજ સેવા સદન", ચાવડી ગેટ,  
ભાવનગર.

કેઈસ નંબર - ૪૪/૨૦-૨૧

વાદી :- મે.એસ.એસ.ઈન્ડસ્ટ્રીઝ,

◇ વિરુદ્ધ ◇

પ્રતિવાદી :- પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

◇ રજુઆતની તારીખ:- તા.૨૬/૧૧/૨૦૨૦ તથા તા.૨૮/૧૨/૨૦૨૦ ◇

હાજર રહ્યા :- શ્રી વી.એલ.શાહ - (વાદી ના અધિકૃત પ્રતિનિધિ)

પ્રતિવાદી :- શ્રી પી.સી.પંચાલ, કાર્યપાલક ઈજનેર, ગ્રામ્ય વિભાગીય કચેરી, ભાવનગર.  
(પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ વતી)

મે.એસ.એસ.ઈન્ડસ્ટ્રીઝ, મું.ભાવનગર ની લોડ વધારાની અરજી કેન્સલ કરવા બાબતની રજુઆત કન્વીનરશ્રી, ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગરને મળતાં, ફોરમે તેનાં ફરીયાદ રજીસ્ટરમાં ક્રમાંક : ૪૪/૨૦-૨૧ થી નોંધી તેનાં યોગ્ય નિરાકરણ માટે અધિક્ષક ઈજનેરશ્રી, વર્તુળ કચેરી, ભાવનગર ને પત્ર નં. બીએડ/ફોરમ/૪૪/૨૦-૨૧/૩૩૭૨ તા.૨૮/૦૮/૨૦૨૦ થી વાદીશ્રીની જાણ હેઠળ મોકલી આપેલ.

આમ છતાં, ફોરમે વાદીશ્રી ને તેમની ફરિયાદ બારામાં લેખિત / મૌખિક રજુઆત કરવા તા.૨૬/૧૧/૨૦૨૦ તથા તા.૨૮/૧૨/૨૦૨૦ રોજ ઉપસ્થિત રહેવા જણાવેલ. જેમાં, વાદી વતી તેના અધિકૃત પ્રતિનિધિ શ્રી વી.એલ.શાહ હાજર રહેલ તથા પ્રતિવાદી તરફે શ્રી પી.સી.પંચાલ, કાર્યપાલક ઈજનેર, ગ્રામ્ય વિભાગીય કચેરી, ભાવનગર ઉપસ્થિત રહેલ.

વાદીશ્રીની રજુઆત:- ફોરમને કરેલ લેખિત અરજી મુજબ રજુઆત છે કે...

### **First Representation dtd.23.09.2020 :**

We are a company registered under law, engaged in manufacturing of steel and related products and having our plant situated at S.No. 23/01 & Others, Village : Vadiya, Sihor - Ganghali Road, Ta-Sihor, Bhavnagar.



..3..

We are HT Consumer with distribution Licensee PGVCL, Rural Division, Bhavnagar having connection No. 23763 and contract demand of 1000 KVA under HTP IV Tariff.

The steel industry is passing through never seen before recession and to match the market criteria we have to increase the production at optimum level. Due to some technical change, our actual demand started increase from the contract demand and we were served with Nos.of notices under section 4.95 of GERC Supply Code - 2015.

In the earlier notices and after communication, it is made clear by the respondent that a new feeder is required to be installed for catering of total contract demand after releasing our load extension.

We argued that we are not in a position to pay charges for new feeder as industry is passing through very rough patch. At the same time we draw attention on the fact that some nearby feeders are in under load position and reshuffling of load will lead to technical feasibility of our load extension from existing electric network of our area.

We had represented matter to all authorities including MOE, Gujarat state and it is directed to explore such possibilities. But, we are sorry to say that no positive response is received from respondent side.

A final notice was served before COVID Pandemic under section 4.95 of GERC supply code-2015 and reminder was sent after partial lifting of lockdown. In response to the said notice, we had asked for load extension of 700 KVA and paid registration charges via RTGS.

In response to our application, site survey was carried out by a team of the respondent.

In place of issue an estimate for load extension of 700 KVA asked by us, an estimate for 540 KVA extension is delivered on 3.7.2020 under Suo-moto procedure as per section 4.95 of GERC Supply Code where



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new feeder is proposed to cater the total demand though the total load can be catered from existing network.

After issuing the estimate, our original application is cancelled by a letter dated 10.07.2020 from the respondent EE (Rural), PGVCL, Bhavnagar.

At this stage we would like to draw your attention on the fact that in response to petition 1829 by GUVNL and other distribution licensees of Gujarat State GERC had issued notification 3 of 2020 allowing Distribution licensee to collect line charges on fix cost basis on 26.06.2020 and detailed order in petition is issued on 07.07.2020, just 4 days after issuing suo moto estimate to us.

Against such arbitrary decision of cancellation of our application, issue of suo moto estimate, suggesting a new feeder though the power can be catered from existing network and issue of estimate after GOG notification of fix charges, we are filling this application to CGRF at Bhavnagar for justice.

Fact of the Matter :

- (1) We are HT Consumer of Distribution Licensee PGVCL via Executive Engineer(Rural), Bhavnagar having Connection No. 23763.
- (2) Our actual demand was more than 5% the contract demand of 1000 KVA Nos. of Notices were issued to set right the contract demand to set right the contract demand to required level.
- (3) To our shock and surprised a new feeder is suggested to cater our total demand at huge cost, which is simply out of reach for SME steel industry which is reeling under worst recession.
- (4) We had requested the respondent that as per our knowledge, there are some under loaded 11 KV feeders in nearby vicinity and by some adjustment in network configuration our intended power can be served from existing network without



erecting new feeder.

Due to lack of apathy for consumer, no initiative taken in the matter by office of respondent and his higher authorities.

The matter was represented to MoE, Gujarat State and he has directed the distribution Licensee to explore the possibilities of catering power from existing network. The matter can not cross red tape of Government procedure and no decision is granted.

- (5) This year again we recieved notices for load extension under section 4.95 of the GERC Supply code 2015 and final reminder is served vide letter No. PGVCL/BRD/T-1/3480 dtd.15.05.2020 annexed as Annexure - 2 with this application.
- (6) In responce to the notice, we had filled our application for load extension of 1000KVA + 700 KVA = 1700 KVA on 18.05.2020 alongwith a request of extension of boundary and shifting of position of CTPT. The regsitration charges were paid by RTGS due to contemporary COVID-19 Pandemic. Receipt of RTGS is marked as Annexure - 3.
- (7) In responce to our application sited above, a team with respondent had visited the site and noted the relevant points. We were waiting for the estimate.
- (8) To our utter surprise and shock, we received an estimate for load extension for 540 KVA ( we asked for 700 KVA) titled as estimate as per notice section 4.95 of supply code 4/2015 vide respondent No.EE/PGVCL/HTEsti/4460 dtd.03.07.2020 for total Rs.75,21,172/- including line charges of Rs.57,28,841/- annexed as Annexure - 4.
- (9) One more letter received from the respondent vide his No.EE/PGVCL/4558 dtd.09.07.2020. marked here as Annexure-5 stating that 2 Nos.and 11 KV lines are passing



through your extended premises and asked us to apply for shifting of that line. The prescribed form and document file (for load extension of 700 KVA) is returned with the letter and direct us to pay the Suo moto estimate for 540 KVA load extension received on dtd.03.07.2020.

It is simply not understood that, if we are not eligible for 700 KVA load extension, how respondent is allowing 540 KVA load extension at same place without mentioning any technical crunch.

- (10) We immediately responded to the respondent vide our letter dtd.13.07.2020 annexed as Annexure -6 and draw his attention on the various provision of indian electricity act-2003 and GERC Regulation and GERC supply code which does not allow such cancellation of application. Our letter is not responded till date.
- (11) As no response received from the respondent, we narrated the matter to The Managing Director, of respondents company PGVCL vide our lette dtd.01.08.2020 ( Annexure - 7) and request her to give direction to expore the exact situation and give justice to us. We also met The Chief Engineer(Tech) and explained the situation. He assured us that he will refer the matter to filed office for review.
- (12) Ultimately, we received a reply from the respondent vide his lettter No.BRD/Tech-1/PGVCL/5882 dtd.09.09.2020 annexed as Annexure - 8 with this letter stating that due to PGVCL, guidelines regarding the matter that no change is allowed in feeder network for releasing new or load extension on any feeder. We has asked for a copy of the said guidelines from respondent but so far not received any.



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Against all this atrocities by respondent and his distribution company, we are filling this applicaton to Hon'ble CGRF for justice.

Ground for Appeal :

(A) As per Indian Electricity Act-2003

**Section 42.(Duties of Distribution licensee and open access)** (1) It shall duty of a distribution licensee to develop and maintain on efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this act.

**Section 43.(Duty to supply on request)** (1)1[ save as otherwise provided in this act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.

**Section 48.(Additional terms of supply)**

A distribution licensee may require any person who requires a supply of electricity in persuance of section 43 to accept -

- (a) Any restrictions which may be impused for the purpose of enabling the distributions licensee to comply with the regulations made under section - 53.
- (b) Any terms restricting any liability of the distribution licensee for economic loss resulting from negligence of the person to whom the electricity is supplied.

The related section of GERC supply code -2015 is reproduced below for your ready reference, please.



**Lincensee's Obligation of Supply :**

4.1 The licensee shall , on an application by the owner or occupier of any premises located in his area of supply,give supply of electricity to such premises within the time specified in the GERC(Standard of Performance to distribution licensee) Regulation – 2005, as amended from time to time, provided.

(1) The supply of power is technically feasible,

(2) The applicant has observed the procedure specified in this code and

(3) The applicant agrees to bear the cost of supply and service as specified in the GERC(Licensees power to recover expenditure incurred in providing in Electric supply and other miscelinious charges) Regulations, 2005 and amendements thereof.

4.24 An application form shall be deemed to be received on the date of receipt of consumers requisition of supply in the prescribed format alongwith registration charge prescribed in the GERC ( Licensee Power to recover expenditure and other miscelinious charges) Regulations, 2005, andammendments thereof, complete in all respects alongwith all relevant documents,

4.95 In case of HT, EHT and demand based LT connections, if the maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during last financial year, the licensee shall issue a 30 days notice to the consumer for submitting an application form for enhancement of load. If there is no responce from the consumer by the end of the notice period, the licensee shall start the procedure for enhancing the consumers contract demand to the average of four recordings of maximum demand shown by the consumers MDI matter in the last financial year. In such case, the

consumer shall be liable to pay all applicable charges as per provisions of this code for regularization of the enhanced demand. The enhanced



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demand will be considered as received contract demand on receipt of such charges and all provisions of agreement shall be applicable to such consumers for revised contract demand.

(b) The respondent had asked us on 15.05.2020 (Annexure -2) to apply for load extension which we could not proceed due to COVID Pandemic. In response to the letter dtd.15.05.2020, we had submitted load extension application alongwith the required documents to office of the respondent, registration charges are paid by RTGS on 18.05.2020. Our application is deemed to be received as clause No.4.24 of GERC Supply Code -2015 mentioned above.

(C) As per above mentioned clause No.4.95 of Supply Code, the licensee( In our case PGVCL ) self start procedure for enhancing the consumer demand only in the case of no response from the consumer for submitting the application for load extension, in our case we had submitted the application with all related documents and make payments of registration fee by RTGS. In response to our application only, the respondent and his team visited our premises, accordingly, there is no point in initiating suo moto procedure after our application is registered with the respondent.

(D) GERC Notification No.03 of 2020 is published in gazette dtd.26.06.2020(Annexure - 9) allow the distribution licensee to collect per KVA fix charges from HT Consumers. The related petition for this matter is filled by GUVNL and its distribution companies including respondent company PGVCL in GERC vide petition No.1829 of 2019 and hearing of the same was also completed. To complete the formalities for fix charge from HT Consumers, amendments in related regulation is also notified,

In other word the respondent is very well aware of the fact that within short time per KVA fix service charge will be introduced in whole Gujarat State.



As a matter of fact, GERC in its order dtd.07.07.2020 (Just after 04 days of issuing estimate to us) Order a fix charge of Rs.1800 per KVA for HT Connection having more than 500 KVA Connection and Rs.1500 per KVA for smaller connection.

(e) Such unprecedented of giving estimate to us can be understood by the fact that, we were charged Rs.57,65,041/= as line charges in the said estimate, which will be reduced to  $1800 \times 540 = \text{Rs.}9,72,000/=$  only. In other word if respondent had issued us the estimate after 04 days, nearly Rs.48 Lakh can be saved. This clearly shows coloured intension of the respondent.

(f) after issuing of the estimate as stated above, we received a letter from the respondent that our original application dtd.18.05.2020 is returned as the plot where we had asked for boundary extension is having 02 Nos.11 KV lines, passing through the same so the application for load extension is returned with the letter dtd.09.07.2020.

As GERC Supply Code -2015

### **Licensee's Obligation to Supply**

4.1 The licensee shall, on an application by the owner or occupier of any premises located in his area of supply, give supply of electricity to such premises within the time specified in the GERC ( Standard of performance of Distribution licensee) Regulations 2005, as amended from time to time provided,

- (1) The supply of power is technically feasible,
- (2) The applicant has observed the procedure specified in this code and
- (3) The applicant agrees to bear the cost of supply and service as specified in the GERC(Licensees power to recover expenditure incurred in providing in Electric supply and other miscellaneous charges) Regulations, 2005 and amendements thereof.



As per above, licensee is obligated to supply the power to all owner or occupier in his area of supply with few limitations.

In our case any of the three conditions is not applicable as the power supply is feasible, the formalities of load are observed and no estimate is served. There is no question of rejecting our application.

As per above, the cancellation of our application for load extension of 700 KVA is against the GERC Notification and an error on the face of record by the respondent.

(g) From beginning of the issue, we were saying that some of the nearby feeders are under loaded due to closing of operation by some factories. In fact, we have shown some examples where manufacturing units are out of operation and the connection is permanently disconnected or load is reduced. It seems that some surveys are carried out but nothing has happened.

(h) We had explained the whole situation to the Managing Director of PGVCL and as per her instructions, we met The Chief Engineer(Tech) at Corporate Office, Rajkot. A letter is sent to the respondent and other authorities to look into the matter.

To our great surprise we received a reply from the respondent (Annexure - 8) that our plea for survey cannot be entertained due to some directives of PGVCL that no change in feeder network is allowed for releasing new connection or load extension in case of HT Connection.

In other words, even if there is some vacancy in the existing nearby feeder, it is compulsory to issue an estimate for new feeder to new applicant or load extension case.

If any such direction exists (We requested for a copy of this directive from respondent) this is absolutely illegal and against the IE Act-2003 and GERC regulations.



Section-42 also ask the distribution licensee to maintain an economical supply network. If under loaded feeders are continued to be under loaded and new feeders are erected which will be also under load the economical viability will be at stake.

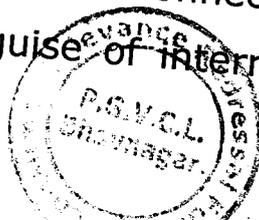
**Prayer :**

- (1) The estimate issued under section 4.95 suo moto for 540 KV load extension, by the respondent should be cancelled and who procedure should be treated as null and void.
- (2) Hon.CGRF is requested to direct distribution licensee PGVCL to discontinue the guideline regarding no change in feeder network for new connection and load extension for HT consumers, which is not in line with law and GERC regulations.
- (3) Our original application in line with section 4.95 of GERC supply code-2015 dtd.15.05.2020 for 700 KVA load extension, should be continue to be considered and survey should be carried out in line, with spirit of law and with a view to cater load extension from nearby under loaded feeder, if technically feasible.
- (4) The estimate should be issued as per contemporary rules and regulation.
- (5) Any other relief deemed fit by Hon'bel CGRF.

**Representation No.02 dtd.07.12.2020.**

We are further to the hearing dtd.26.11.2020 and copy of PGVCL Corporate Office letter dtd.15.07.2016 furnished by the respondent EE(Rural), PGVCL, Bhavnagar on 03.12.2020 by E-mail.

In the said letter, Then Chief Engineer of PGVCL had given instruction that the feeder catering power to HT Connection should not be changed to other feeder under disguise of interruption or any other reason.



In the letter it is never mentioned that for new connection or load extension the feeder must not be changed.

The letter is not in the form of circular or directive but only instructing the field officer to be more vigilant. The power of shifting of connection is withdrawn from field officer and at the same time it is instructed that if genuine shifting is required for technical feasibility than proposal should be sent to corporate office with justified reason.

In our case, as per our information a nearby feeder which was catering power to Garg Castings is having spare capacity as Garg Casting had reduced its contract demand due to closure of its induction furnace. Our connection can be shifted to that feeder so that overloading of our present feeder can be eliminated.

You are requested to instruct the respondent to confirm the load position of suggested feeder or any other nearby feeder which is having technical feasibility to cater power supply to the total load after proposed load extension to our connection.

We request you to instruct not to propose any technical feasibility for load extension or new connection in nearby area of our unit till the subject matter is resolved.

We had already submitted the excerpts of Indian Electricity Act-2003 and GERC Supply Code-2015, which direct the distribution licensee for economical technical feasible solution for catering power supply to consumer.



પ્રતિવાદીશ્રીની રજૂઆત:- તેમની રજૂઆત છે કે,

1. M/S. S S Industries having HT Connection C.D.- 1000 KVA with PGVCL having Consumer No.23763 located at Survey No.23/1 & 23/2 Village : Vadiya, Ta. Sihor

Overdraw from respective consumer since Apr-17 to Nov-20 showing Actual Demand/Over drawl (4.95) (Annexure - 1)

**F.Y 2017-18.**

During the financial year, consumer has exceeded Actual demand total **12 times** more than 5% as per provision under Section 4.95, Notice was issued to consumer vide letter No.1684 dtd.03.04.2018.

Suo-moto action as per 4.95 1000 + 250(LE)		Consumer's Appl. 1000 + 500(LE)	
Notice as per Sec.4.95 No.BRD/HT/Excess/Demand/1684	Dt.03.04.2018	Registration	20-Apr-2018
Approval of competent Authority, Approval No.PGVCL/Comm./8660	Dt.19.10.2018	Approval Estimate Issued	25-05-2018 25-05-2018
Estimate Issued to party vide letter No.EE/PGVCL/HT/Esti/5619	Dt.30-10-2018	Estimate was not paid by the consumer	

Due to representation of industrial Organizations, it was directed not to initiate any action, Afterwards, directions for sec.4.95 for recovery of security deposit given by letter No.PGVCL/ R&C/Comm/116 dtd.04-01-2019.



**F.Y 2018-19.**

During the financial year, consumer has exceeded Actual demand total **12 times** more than 5% as per provision under Section 4.95, Notice were issued to consumer vide.

- (1) 1<sup>st</sup> Notice No.BRD/HT/Excess Demand/3649 dtd.06.08.2019.
- (2) 2<sup>nd</sup> Notice No.BRD/HT/Excess Demand/4089 dtd.03.09.2019.
- (3) Final Notice No.BRD/HT/Excess Demand/669 dtd.29.01.2020.

Suo-moto action as per 4.95 1000 + 540(LE)		Consumer's Appl. 1000 + 700(LE)	
Notice as per Sec.4.95 No.	(1) 06-08-2019 (2) 03-09-2019 (3) 29-01-2020	Application for merge of land and shifting of CTPT Unit.	15-05-2020
Proposal under Sec. 4.95 Approval of Competent Authority, Approval No.BZ/Tech-2/2234 dtd.30.06.2020.	Dt.07-04-2020 Dt.30-06-2020	Informed to Submit Appl. with LE, as 4.95 process already continue, since over drawl 2017.	15-05-2020
Estimate Issued vide letter No.EE/PGVCL/ HT Esti/4460	Dt.03-07-2020	File for LE- 700 KVA along with merge of land and shifting of CTPT Unit, inward on	22-05-2020



Party applied for TLE 1 <sup>st</sup> TLE approved up to dtd.	01-09-2020	As 11 KV two feeders were passing	09-07-2020
Again Party applied for 2 <sup>nd</sup> TLE & Paid Re- registration charges, approved up to dtd.	01-10-2020	through new land to be merged, Party was informed to apply for shifting of lines at Sihor- R S/Dn. As no response from Party, file was send back for further course of action.	

As per the request of party, PGVCL has approved 2 times time limit extension excluding 30 days to make the payment, i.e. total 90 days has been permitted for payment of estimate. Consumer hasn't pay the estimate up to last date i.e.01-10-2020 ( 2<sup>nd</sup> time TLE approve). As per the record available with PGVCL, party is intentionally delaying after one by one offence since FY 2017-18. As per the facts narrated above consumer is trying to delay the suo moto process by one or another reason/excuses/arguments.

**FY 2019-20.**

During the financial year 2019-20 same excess drawl observed as stated for F.Y 2018-19 against actual demand more than 5% total

12 times. Estimate issued under Sec.4.95 for 540 KVA vide No.EE/  
PGVCL/HT Esti/4460 dtd.03.07.2020, On account of over drawl under  
FY 2019-20 data.

**Reply from PGVCL side against to the consumer  
representation against Hon. CGRF, are as under :**

**Point No.1-2 :** Agreed with the facts.

**Point No.03 :**

Proposal has been framed as per load criteria considering technical aspects and approval has been accorded from competent authority, which is in order.

**Point No.04 :**

As stated by consumer, he has already represented to all top authorities up to GOG, no direction has been received to this office.

**Point No.05 :** Informative data put up under Annx-2.

**Point No.06 :**

Dt.18.05.2020 Party has transferred amount of Rs.8260/- to PGVCL account through RTGS, without any intimation/Confirmation of type of payment. Even though the concern has already approaching this office for load extension and shifting of CTPT unit and merge of land application but unfortunately he has not informed for the same. Hence, the said amount has been accepted as energy charge in to consumer Account No.23763, vide MR No.US301761 dtd.21.05.2020 by the cashier expenditure section.

**Point No.07 :** Informative, no any submission from PGVCL side.

**Point No.08 :**

Proposal under sec.4.95 was already sent vide letter dtd.07.04.2020 for approval to competent authority. Approval was received on dtd. 30.06.2020 & subsequently, estimate was issued on dtd.03.07.2020.



**Point No.09 :**

A cluster of Nos. of HT Connections has been located at Sihor – Ghanghali Road and the power supply has been feed from 4 Sub stations. Looking to the existing load criteria and site feasibility for proposed new S/S, moreover, this office has often visit such area for review of power stability and other aspects. As the consumer has approaches this office for shifting of CTPT unit and merge of land, site has been visited on the routine day of our visit. This office has not visited particularly against his request. During the visit, it was observed that 02 Nos. 11 KV lines are passing through premises of new land area to be merged. The matter of shifting of HT Lines from new land to be merged was also informed personally to the representative of company at the site and informed to party for shifting of line at sihor rural sub division. As per directive, 11 KV line passing from premises must be removed from the HT Connection premises. Party was informed to apply for shifting of lines at respective sub division office. As party does not come forward to apply for shifting of HT Lines, to sub division office. This office has returned the original file vide letter No.EE/PGVCL/4558 dtd. 09.07.2020 and informed to apply for shifting of lines.

- For example, similar type M/S: Sitaram Construction applied for new HT Connection there was 11 KV line passing through premises. Party was informed to apply for shifting of lines passing from the premises. Applicants apply to the respective sub division and paid the estimate, as directed after that HT New connection process was carried out.

PGVCL not allowing 700 KVA load extension because the application was made for load extension of 700 KVA with shifting of CTPT location and merge of land, in which 11 KV lines are passing. PGVCL allowed for 540 KVA load extension as the said load extension was



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for existing premises only where there is no any such technical constraint.

**Point No.10 :**

Consumer's application was not cancelled. Consumer was instructed to comply as per letter No. EE/PGVCL/4558 dtd.09.07.2020 to apply at Sihor Rural Sub Division for shifting of HT lines passing from the new land to be merged with existing premises.

**Point No.11 :**

As stated by consumer, he has already represented to the Managing Director of PGVCL to give directions. No such direction has been received to this office.

**Point No.12 :**

Letter No.BRD/T-1/PGVCL/5882 dtd.09.09.2020 was written to consumer and informed, as per direction, not to allow shifting of HT Connections from one feeder to another feeder. Copy of letter No. PGVCL/R&C/6239 dtd.15.07.2016 is attached herewith. As it was internal correspondence and this letter has not been published.

Moreover, under the grievance submitted to Hon.CGRF applicant has also produced his " Fact of the Matter " along with the compliance submitted as above. While going to the his submission under head " grounds of appeal " submission is as under.

- a) Various sections of EA-2003 has been produced, for that no comments from PGVCL side.
- b) Already comply/covered under point No.06 narrated above.
- c) Already comply/covered under point No.9 & 10 narrated above.
- d) Against GERC Notification No.3 of 2020, as per GERC Order dtd.07.07.2020, PGVCL has issued a systematic directive for implementation under PGVCL DISCOM vide letter No.PGVCL/Comm/5969 dtd.21.07.2020. As mention under such directive,



per KVA based estimate charges shall be applicable ( for 11 KV/22 KV new HT Connection/load extension) for which the estimates have not been issued as on the date of order ( i.e.07.07.2020). As the estimate for load extension as per sec.4.95 was issued to consumer on dtd.03.07.2020, implementation of GERC notification has not been entertained for this case.

- e) No submission from PGVCL side.
- f) Already comply/covered under point No.9 & 10 narrated above.
- g) Already comply/covered under point No.12 narrated above.
- h) Already comply/covered under point No.11&12 narrated above.

**Our Prayer :**

M/S S S Industries has overdraw against contract demand : 1000 KVA since from Apr-2017 to Nov-2020. Actual Demand/Over drawl (4.95) in tabulated data has also been submitted from PGVCL side. As consumer has not turn up for load extension, suo moto process under provision of Sec.4.95 has been implemented and estimate has been issued after concurring approval from competent authority. Said consumer still overdrawing against contract demand under the financial year 2020-21 ( Up to 16.11.2020 Last billing cycle). During current financial year from Apr-2020, consumer has exceeded actual demand total 6 times more than 5%. Average demand of maximum 4 demand (Up to 11-2020) comes to 1550 KVA.

From the above, it is fact that suo moto actions initiated as per Sec.4.95 are in order and consumer must regularize the load (excess demand) as per GERC Supply code 4 of 2015 to protect further damages to the existing network and costliest apparatus installed at substation end. The grievance registered against Hon. CGRF has to be rejected.



## **Forum's Findings:**

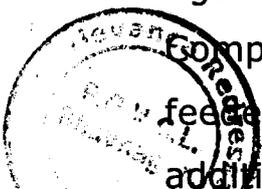
On the basis of representations from Complainer and Respondent, documents produced before Forum and relevant Regulations, Forum's findings are under:

- 3.1 Complainer M/s S S Industries is HT consumer of 1000 KVA bearing consumer number 23763, under HTP-IV tariff, located at Village: Vadiya, Tal: Sihor, Dist.: Bhavnagar. Complainer is consumer of Respondent PGVCL and is getting power supply from PGVCL.
- 3.2 Complainer's maximum demand was exceeded in excess of contract demand by 5%, every month, during the financial year 2017-18, 2018-19 and 2019-2020, and complainer's maximum demand was exceeded in excess of contract demand by 5% till November-20 of current year 2020-21.
- 3.3 After having issued notices as per section 4.95 of GERC Supply Code 4/2015, Respondent issued estimates for additional load of 250 KVA and 500 KVA on 30.10.2018 and 25.5.2018 respectively. Complainer did not pay estimates.

Likewise, after having issued notices as per section 4.95 of GERC Supply Code 4/2015 on 6.8.2019, 3.9.2019 and 29.1.2020, Respondent issued estimate for additional load of 540 KVA (CD 1000 + Add. Load 540) on 3.7.2020 under suo-moto procedure. Complainer requested Respondent for time limit extension for payment of estimate amount which was approved by Respondent, and time limit of the estimate for additional load was extended by Respondent up to 1.9.2020 and again up to 1.10.2020. Complainer did not pay estimate dated 3.7.2020. Respondent had issued estimate considering new feeder to cater additional load of 540 KVA.

Against estimate dated 3.7.2020 for additional load of 540 KVA,

Complainer has represented that Complainer issued estimate for new feeder instead of seeking feasibility from existing feeder to cater additional load of 540 KVA. Complainer has represented Forum that



there are some under loaded feeder in nearby vicinity and additional load can be given without erecting new feeder.

- 3.4 Complainer has referred Section 42, 43 and 48 of Indian Electricity Act 2003 and section 4.1 and 4.24 of GERC Supply Code 4/2015 in their representation.
- 3.5 Respondent has submitted that as per Chief Engineer, Corporate Office letter No. PGVCL/R&C/6239 Dt. 15.7.16, shifting of HT connection from one feeder to another feeder is not allowable. Contents of the letter do not mean that HT connection cannot be shifted to another feeder despite of having technical feasibility. Existent network should be used efficiently and economically.
- 3.6 It is admitted fact that complainer has exceeded their contract demand (1000 KVA) by more than 5% of contract demand during the year 2017-18, 2018-19 and 2019-2020. Respondent has issued notices and issued estimate under suo-moto procedure as per section 4.95 of GERC Supply Code 4/2015. Considering maximum demand recorded during year 2019-20, Respondent has issued estimate for additional load of 540 KVA on 3.7.2020.

SECTION 4.95 of Supply Code:

**4.95 In case of HT, EHT and Demand Based LT connections, if the maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during last financial year, the licensee shall issue a 30-day notice to the consumer for submitting an application form for enhancement of load. If there is no response from the consumer by the end of the notice period, the licensee shall start the procedure for enhancing the consumer's contract demand to the average of four recordings of maximum demand shown by the consumer's MDI meter in the last financial year. In such case, the consumer shall be liable to pay all applicable charges as per provisions of this Code for regularization of the enhanced demand. The enhanced demand will be considered as revised contract demand on receipt of such charges and all provisions of**

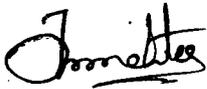


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agreement shall be applicable to such consumers for revised contract demand.

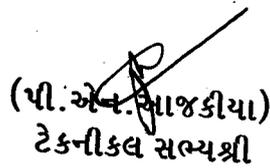
3.7 Considering representations of both side, documents produced before Forum and relevant regulations, Respondent is directed to check the technical feasibility for catering additional load of 540 KVA (CD 1000 KVA + Add Load 540 KVA) from nearby feeder and issue revised estimate. Complainer shall make payment of revised estimate, or respondent will take further course of action for releasing additional load of 540 KVA as per section 4.95 of GERC Supply Code.

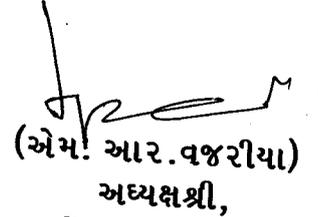
--:: હુકમ ::--

- વાદીની રજુઆત, પ્રતિવાદીની રજુઆત તેમજ ફોરમ સમક્ષ રજુ થયેલ દસ્તાવેજી પુરાવા અને ઉપરના તારણો પરથી તારણ નં." 3.9 " મુજબ હુકમ કરવામાં આવે છે.
- સદર હુકમ સામે વાદીશ્રીને વાંધો કે તકરાર હોય તો આ હુકમ મળ્યે દિવસ-૩૦ માં વિદ્યુત લોકપાલશ્રીની કચેરી, બ્લોક નં.૩, પોલીટેકનીક કંપાઉન્ડ, આંબાવાડી, અમદાવાદ સમક્ષ અપીલ કરી શકે છે.



(શ્રીમતી જે.એમ. મેહતા)  
સ્વતંત્ર સભ્યશ્રી

  
(પી.એન. શાહકીયા)  
ટેકનીકલ સભ્યશ્રી

  
(એમ. આર. વજરીયા)  
અધ્યક્ષશ્રી,

ગ્રાહક ફરિયાદ નિવારણ ફોરમ  
પ.ગુ.વિ.કું.લી.:ભાવનગર.

તારીખ :- ૨૮/૧૨/૨૦૨૦.

