



પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

ગ્રાહક તકરાર નિવારણ ફોરમ

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

CIN : U40102GJ2003SGC042908

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ક્રમાંક: બીઝેડ/ફોરમ/૨૨/૨૧-૨૨/ 2656

તારીખ: 06 SEP 2021

આર.પી.એ.ડી.

પ્રતિ,
મેં. પટેલ કોટન ઈન્ડસ્ટ્રીઝ,
ગ્રીન ચોક,
મું. ધ્રાંગધ્રા - ૩૬૩ ૩૧૦,
જી.સુરેન્દ્રનગર.
મો.નં. ૦૨૭૫૪ ૨૯૩૫૧૧/૨૯૩૬૧૧

કેસ નં. ૨૨/૨૧-૨૨

વિષય : ડિમાન્ડ ચાર્જ ની વધુ વસુલાત બાબત.

સંદર્ભ : (૧) આપનો પત્ર તા. ૩૦/૦૬/૨૦૨૧ જે અત્રેની કચેરી ને મળ્યા તા. ૦૨/૦૭/૨૦૨૧.
(૨) અત્રેની કચેરીનો પત્ર નં. બીઝેડ/ફોરમ/૨૨/૨૧-૨૨/૨૦૦૧ તા. ૦૩/૦૭/૨૦૨૧.
(૩) અત્રેની કચેરીનો પત્ર નં. બીઝેડ/ફોરમ/૨૨/૨૧-૨૨/૨૦૦૮ તા. ૦૫/૦૭/૨૦૨૧.
(૪) અત્રેની કચેરીનો પત્ર નં. બીઝેડ/ફોરમ/૨૨/૨૧-૨૨/૨૨૮૪ તા. ૩૧/૦૭/૨૦૨૧.

જાહેરાત

શ્રીમાન,

આપશ્રીની, ઉપરોક્ત વિષયના સંદર્ભમાં આપના દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગર સમક્ષ કરેલ રજુઆતના સંદર્ભમાં આપશ્રીને ફોરમ સમક્ષ તા. ૧૮/૦૮/૨૦૨૧ નાં રોજ સાંભળવામાં આવેલ. જેના સંદર્ભમાં ગ્રાહક ફરિયાદ નિવારણ ફોરમ દ્વારા આપવામાં આવેલ ચુકાદો આ સાથે સામેલ છે.

આપશ્રીની જાણ સારૂ.

[Signature]

કન્વીનર,

ગ્રાહક ફરિયાદ નિવારણ ફોરમ
પીજીવીસીએલ., ઝોનલ કચેરી ભાવનગર.

બિડાણ:- ઉપર મુજબ.

પ્રતિ: કાર્યપાલક ઈજનેરશ્રી,

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

વિભાગીય કચેરી, ધ્રાંગધ્રા,

.....ગુજરાત વિદ્યુત નિયંત્રક આયોગના જાહેરનામા નં. ૨/૨૦૧૯ ની કલમ નં. ૨.૫૪ મુજબ સદર હુકમનાં પાલન અંગે થયેલ કાર્યવાહીનો જરૂરી અહેવાલ અત્રેની ફોરમ કચેરીને ફરજીયાત પાઠવવાનો રહેશે.

નકલ રવાના:-

શ્રી અધિક્ષક ઈજનેર, પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ, વર્તુળ કચેરી, સુરેન્દ્રનગર.
...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 - ૨૨/૨૧-૨૨

વાદી :- મે.પટેલ કોટન ઈન્ડસ્ટ્રીઝ,

◇ વિરુદ્ધ ◇

પ્રતિવાદી :- પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

◇ રજૂઆતની તારીખ:- તા.૧૮/૦૮/૨૦૨૧ ◇

હાજર રહયા :- મે.પટેલ કોટન ઈન્ડસ્ટ્રીઝ (વાદી ગેરહાજર)

પ્રતિવાદી :- શ્રી જે.બી. ઉપાધ્યાય, કાર્યપાલક, ઈજનેર, વિભાગીય કચેરી, ધ્રાંગધ્રા.
(પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ વતી)

મે.પટેલ કોટન ઈન્ડસ્ટ્રીઝ, મું.ધ્રાંગધ્રા, જી.સુરેન્દ્રનગર ની ડિમાન્ડ ચાર્જ ની વધુ વસુલાત બાબતની રજૂઆત કન્વીનરશ્રી, ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગરને મળતાં, ફોરમે તેનાં ફરીયાદ રજીસ્ટરમાં ક્રમાંક : ૨૨/૨૧-૨૨ થી નોંધી તેનાં યોગ્ય નિરાકરણ માટે અધિક્ષક ઈજનેરશ્રી, વર્તુળ કચેરી, સુરેન્દ્રનગર ને અત્રેની કચેરીના પત્ર નં. બીએડ/ફોરમ/૨૨/૨૧-૨૨/૨૦૦૧ તા.૦૩/૦૭/૨૦૨૧ થી વાદી ની જાણ હેઠળ મોકલી આપેલ.

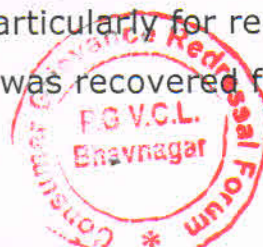
આમ છતાં, ફોરમે વાદી ને તેમની ફરિયાદ બારામાં લેખિત / મૌખિક રજૂઆત કરવા તા.૦૮/૦૭/૨૦૨૧ તથા તા.૧૮/૦૮/૨૦૨૧ ના રોજ ઉપસ્થિત રહેવા જણાવેલ. જેમાં, વાદી મે.પટેલ કોટન ઈન્ડસ્ટ્રીઝ વતી તેમના પ્રતિનિધિ હાજર રહેલ નહી તથા પ્રતિવાદી તરફે શ્રી જે.બી. ઉપાધ્યાય, કાર્યપાલક ઈજનેર, વિભાગીય કચેરી, ધ્રાંગધ્રા ઉપસ્થિત રહેલ, તથા તા. ૧૮.૦૮.૨૧ ના રોજ શ્રી એમ.આર.પટેલ - ના.ઈ. - દસાડા ઉપસ્થિત રહેલ,

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

We are HT Consumer bearing No.17516 in Name of M/S. Patel Cotton Industries having contract demand 1000 KVA and being cotton industries, we are taking Benefits of seasonal consumer since very long period. Our connection comes under Dhrangadhra Division of Surendranagar Circle.

Our billing was done as per tariff order issued by Hon'ble GERC up to the month Feb-19 by Dhrangadhra Division particularly for recovery of demand charges.

Up to this month demand charges was recovered for actual demand utilized by us in ON seasonal period.



Then after all of a sudden from month of MARCH-19 we have received our HT Bill and recovery of demand charges were made as if we are not seasonal consumer, which is violating the tariff order issued by GERC. Actually as per tariff order the demand charges should not be recovered for OFF season period and the actual use of demand should be levied from us during ON seasonal period. The above provision was implemented by Dhrangadhra Division up to the Month of Feb-19.

From the Month of March-19 Dhrangadhra Division has recovered demand charges 85 % of our contract demand instead off actual demand during ON seasonal period.

As per clause Number 13.11.3 and 13.11.4 of tariff order issued by GERC on dtd.31.03.2021, the total amount of annual minimum guaranty to be paid by seasonal consumer is decided by considering following.

The billing demand shell be highest of the following.

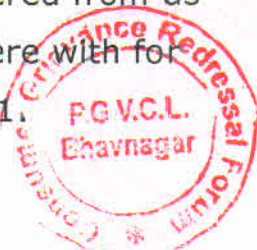
- a) The highest of the actual max.Demand registered during the calendar year.
- b) 85% of the arithmetic average of the contract demand during the year.
- c) 100 KVA

This billing demand should be consider for annual minimum guarantee only for seasonal consumers. And electricity bills paid by during OFF season period shall not be taken in to consideration towards the annual minimum bill.

From the above, it is very clear that PGVCL should not charge for demand considering 85% of contract demand because it is applicable to normal HT Consumer as per Clause No.13.4 in our case as annual minimum guarantee Rs.4550/- per annum per KVA is to be recovered from us, actual.

Demand utilized by us should be billed ON season period and during off season period (for minimum three month) should not levied demand charges, this is as per clause No.13..11.1 to 13.11.4 of tariff order issued by Hon'ble GERC.

We are submitting annexure-1 which shows demand charges recovered from us from April-2018 to Feb-2019. Moreover, annexure-2 is appended here with for refund of demand charges recovered from us Mar-2019 to May-2021.



We further clarify that there is no any change made by Hon. GERC in tariff order issued time to time for seasonal consumers.

We humbly pray to give justices for illegal recovery of demand charges from us from the period March-2019 to May-2021. And requested to pass on suitable order to refund this amount with bank interest as per clause No.62(6) of Electricity Act-2003 and also pray to pass on suitable order so that PGVCL may not bill demand charges considering 85% of contract demand in forthcoming period.

Annexure-I

Sr. No	Billing Month	Actual Demand Utilized During Month	85% of Contract Demand	Amount billed for demand in Rs.
1	Jan-2018	678	850	121280
2	Feb-2018	671	850	119460
3	Mar-2018	670	850	119200
4	April-2018	635	850	110100
5	May-2018	649	850	113740
6	June-2018	578	850	0
7	July-2018	49	850	0
8	Aug-2018	47	850	0
9	Sept-2018	44	850	0
10	Oct-2018	458	850	68700
11	Nov-2018	660	850	116600
12	Dec-2018	630	850	108800

Note : From June-2018 to September-2018 were OFF season months.

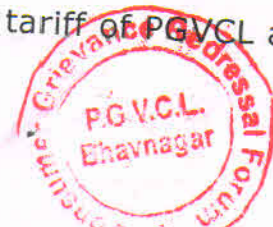
Sr. No	Billing Month	Actual Demand Utilized	Billing demand recovered	Excess recovery for demand	Amount to be refunded in Rs.
1	Mar-19	572	850	278	72280
2	Apr-19	569	850	281	73060
3	May-19	530	850	320	83200
4	June-19	449	850	401	98650



5	July-19	217	...	...	0
6	Aug-19	41	...	...	0
7	Sept-19	44	...	...	0
8	Oct-19	393	850	457	107050
9	Nov-19	561	850	289	75140
10	Dec-19	633	850	217	56420
11	Jan-20	662	850	188	48880
12	Feb-20	639	850	211	54860
13	Mar-20	662	850	188	48880
14	Apr-20	628	850	222	57720
15	May-20	343	850	507	114550
16	June-20	534	850	316	82160
17	July-20	505	850	345	89700
18	Aug-20	53	...	...	0
19	Sept-20	60	850	790	157000
20	Oct-20	436	850	414	100600
21	Nov-20	674	850	176	45760
22	Dec-20	676	850	174	45240
23	Jan-21	666	850	184	47840
24	Feb-21	663	850	187	48620
25	Mar-21	643	850	207	53820
26	Apr-21	643	850	207	53820
27	May-21	580	850	270	70200
28	June-21	215	850	635	133750
Total Rupees to be Refunded Rs.					1819200.00
ED on Refundable Amounts Rs.					272880.00
Total Rupees to be Refunded Rs.					2092080.00

प्रतिवादीश्रीनी रजुआत:- तेमनी रजुआत छे डे,

Anent to the above subject & mail under reference, it is to mention that as per application of consumer M/S. Patel Cotton Industries having Consumer No. 17516 having C/D 1000 KVA billed under HTP-I Tariff and opted seasonal tariff from time to time as per provision made in tariff of PGVCL approved by Hon'ble GERC.



It is to bring in your kind notice regarding the applicability of various tariff provisions applicable to seasonal as under as per tariff approved by GERC.

14.11.1

The expression, "Seasonal Consumer" shall mean a consumer who takes and uses power supply for ice factory, ice candy machines, ginning and pressing factory, oil mill, rice mill, salt industry, sugar factory, khand sari, cold storage plants (Including such plants in fishery industry) tapioca industries manufacturing starch, pumping load or irrigation, white coal manufacturers etc.

14.11.2

Any Consumer, who desires to be billed for the minimum charges on annual basis shall intimate to that effect in writing at least one month before commencement of billing period about the off-season during which energy consumption, if any, shall be mainly for overhauling of the plant and machinery. The off-season period at any time shall be a full calendar month/months. The total period of the off-season so declared and observed shall be not less than three calendar months in a calendar year.

14.11.3

The total minimum amount under the head "Demand and Energy Charges" payable by a seasonal consumer satisfying the eligibility criteria under sub-clause 14.11.1 above and complying with provisions stipulated under sub-clause 14.11.2 above shall be Rs.4550 per annum per KVA of the billing demand.

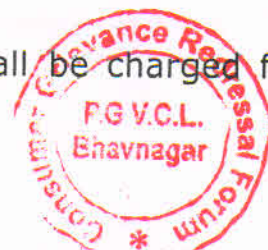
14.11.4

The billing demand shall be the highest of the following.

- (a) The highest of the actual maximum demand registered during the calendar year.
- (b) Eighty-five percent of the arithmetic average of contract demand during the year.
- (c) One hundred KVA.

14.11.5

Units consumed during the off-season period shall be charged for at the flat rate of 4.30 paisa per unit.



14.11.6

Electricity bills paid during off-season period shall not be taken into account towards the amount payable against the annual minimum bill. The amount paid by the consumer towards the electricity bills for seasonal period only under the heads "Demand Charges" and "Energy Charges" shall be taken into account while determining the amount payable towards the annual minimum bill.

However, as per representation of consumer regarding PGVCL has recovered 85% demand charges from seasonal consumer during "ON SEASON" since April-2019. Where as in past actual demand used to be considered for calculation of demand charge instead of 85% of billing demand.

It is to clarify here that in past before April-2019, calculation of demand charges in respect of seasonal consumer during ON season period were as per the highest of the following as per set logic of HT billing.

- Actual Demand Recorded during billing month.
- 100 KVA.

Whereas during OFF SEASON period no demand charge were calculated.

Considering above logic, which was approved by competent authority HT Bill, was calculated and issued to consumer till 31.03.2019 by all DISCOM.

But while Calculation of AMG in HT Billing logic are as under considering highest of the below.

- Actual Demand Recorded during billing month.
- 85% of Contract Demand.
- 100 KVA.

While logic of calculation of AMG as per provision is made in Tariff order at Clause No. **14.11.4**.



The old logic was modified as per provision of various conditions applicable to seasonal consumer as above as per approval accorded by competent authority and as per revised logic billing demand during ON SEASON is the highest of the following as under : (The copy of letter of GM IT is attached herewith for ready reference)

- Actual Demand Recorded during billing month.
- 85% of Contract Demand.
- 100 KVA.

As per revised logic the demand charges calculated 85% of billing demand or actual billing demand and if consumer is fulfill the criteria of tariff than benefit of seasonal tariff applicable otherwise calculation of HT bill for entire calendar year will be as per HTP-I tariff.

In short consumer has to pay very huge amount towards AMG after completion of calendar year as per OLD LOGIC which may lead to consumer grievances as well as liquidity effect on annual financial statistical reports from consumer side.

Whereas, as per revised logic consumer has to pay demand charges at the rate of 85% during calendar year as per tariff provision on monthly basis which may lead to almost negligible AMG recovery at the end of financial year.

Demand charges recovered from consumer as per HT billing logic which was approved by GUVNL in past before March-2019 where as in tariff it is very clear that consumer has to pay demand charges 85% during ON SEASON.

The Logic of calculation of demand charges and other terms and conditions in respect of seasonal consumer was modified in HT billing as per letter of GM IT w.e.f. April-2019.

Hence, it is clear that provision of recovery of 85% Demand Charges during ON SEASON already since long time and many time CAG has also raised the audit para in this regard in past.

In accordance to provision in tariff, GUVNL has corrected the existing logic of calculation of demand charges as per tariff provision just to remove ambiguity between tariff order and logic of HT Billing.

The tariff ordered shall be applicable to all consumer as same is approved by Hon'ble GERC.

You are kindly requested to consider the above representation from PGVCL side & decide the case on the merits of the same.



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 Patel Cotton Industries is HT consumer of 1000 KVA bearing Con. No. 17516, under HTP-I tariff located at Dhrangadhra, Dist. Surendranagar. Complainer is consumer of Respondent PGVCL and is getting power supply from PGVCL.
- 3.2 There is no dispute that Complainer has opted seasonal tariff under provision of seasonal tariff as per provision made in tariff approved by GERC tariff order.
- 3.3 As per representation of Complainer, Respondent recovered demand charges on actual demand recorded during month up to Feb '19 and then after Respondent started to recover demand charges on 85% of contract demand from March '19 onwards for 'ON' 'seasonal period'. As per complainer's representation, 'demand charges' should be levied on actual demand recorded during month for 'ON' 'seasonal period'. From the Month of March-19 Respondent has recovered demand charges on 85 % of contract demand instead off actual demand recorded during month for 'ON' 'seasonal period'.
- 3.4 As per GERC Tariff provision for seasonal consumers under HTP I tariff:

14.11.1

The expression, "Seasonal Consumer" shall mean a consumer who takes and uses power supply for ice factory, ice candy machines, ginning and pressing factory, oil mill, rice mill, salt industry, sugar factory, khand sari, cold storage plants (Including such plants in fishery industry) tapioca industries manufacturing starch, pumping load or irrigation, white coal manufacturers etc.

14.11.2



Any Consumer, who desires to be billed for the minimum charges on annual basis shall intimate to that effect in writing at least one month before commencement of billing period about the off-season during which energy consumption, if any, shall be mainly for overhauling of the plant and machinery. The off-season period at any time shall be a full calendar month/months. The total period of the off-season so declared and observed shall be not less than three calendar months in a calendar year.

14.11.3

The total minimum amount under the head "Demand and Energy Charges" payable by a seasonal consumer satisfying the eligibility criteria under sub-clause 14.11.1 above and complying with provisions stipulated under sub-clause 14.11.2 above shall be Rs.4550 per annum per KVA of the billing demand.

14.11.4

The billing demand shall be the highest of the following.

- (a) The highest of the actual maximum demand registered during the calendar year.
- (b) Eighty-five percent of the arithmetic average of contract demand during the year.
- (c) One hundred KVA.

14.11.5

Units consumed during the off-season period shall be charged for at the flat rate of 4.30 paisa per unit.

14.11.6

Electricity bills paid during off-season period shall not be taken into account towards the amount payable against the annual minimum bill. The amount paid by the consumer towards the electricity bills for seasonal period only under the heads "Demand Charges" and "Energy Charges" shall be taken into account while determining the amount payable towards the annual minimum bill.

- 3.5 Before March '19, Respondent billed Complainer considering actual demand recorded during month for 'ON' 'season period' and demand charges were not levied for 'OFF' 'season period'. For annual minimum charges, demand was considered as per GERC Tariff provision clause 14.11.4 and 'annual minimum bill' charges were levied as per 14.11.3 and 14.11.6 by Respondent. After March '19, Respondent billed Complainer on 85% of contract demand for 'ON' 'season period'.



3.6 Complainer is HT consumer under HTP-I tariff. As per GERC tariff provision:

14.4 BILLING DEMAND:

The billing demand shall be the highest of the following:

- (a) Actual maximum demand established during the month*
- (b) Eighty-five percent of the contract demand*
- (c) One hundred kVA*

After March '19, Respondent started complainer's billing during 'ON' 'seasonal period' considering 'billing demand' as per 14.4 of tariff provision and accordingly Respondent has set logic in their HT billing system. Thus, after March '19, Respondent has considered Complainer's billing demand 85% of contract demand in accordance to tariff provision.

3.7 Complainer has submitted Annexure I and Annexure II showing month wise data of billed demand in their monthly energy bill before March '19 and after March '19 respectively. As per data shown in Annexure II submitted by complainer, Respondent has considered 85% of CD as billing demand, as per tariff provision (14.4), in Respondent's monthly energy bill.

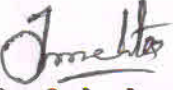
3.8 Complainer's representation that they should be billed considering actual demand recorded during month for 'ON' seasonal period is not in accordance to GERC tariff provision. Complainer has prayed for refund of excess recovery for demand. Respondent has billed as per tariff provision and hence Complainer's representation is not accepted.




3.9 **ORDER:**

In view of aforesaid observations, tariff provisions and representations submitted from both, Complainer's representation is not accepted.

- સદર હુકમ સામે વાદીશ્રીને વાંધો કે તકરાર હોય તો આ હુકમ મળ્યે દિવસ-૩૦ માં વિદ્યુત લોકપાલશ્રીની કચેરી, બ્લોક નં.૩, પોલીટેકનીક કંમ્પાઉન્ડ, આંબાવાડી, અમદાવાદ સમક્ષ અપીલ કરી શકે છે.


(શ્રીમતી જે.એમ.મેહતા)
સ્વતંત્ર સભ્યશ્રી

(—)
ટેકનીકલ સભ્યશ્રી


(એમ. આર.વજરીયા)
અધ્યક્ષશ્રી,
ગ્રાહક ફરિયાદ નિવારણ ફોરમ
પ.ગુ.વિ.કું.લી.:ભાવનગર.

તારીખ :- ૧૮/૦૮/૨૦૨૧.

