



પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

ગ્રાહક તકરાર નિવારણ ફોરમ

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

CIN : U40102GJ2003SGC042908

e-mail: forumbhavnagar.pgvcl@gebmail.com



ક્રમાંક: બીઝેડ/ફોરમ/૩૮/૨૧-૨૨/

3786

તારીખ :

22 DEC 2021

આર.પી.એ.ડી.

પ્રતિ,

શ્રી રૂફ ગ્લોબલ ઈન્ફ્રા પ્રોડક્ટ્સ લી.
એમ.ડી.હાઉસ, પ્લોટ નં-૨૭૧૫/એ,
વાઘાવાડી રોડ,
ભાવનગર-૩૬૪૦૦૧.
મો.નં- ૦૨૭૮-૨૫૭૦૧૩૩

કેસ નં. ૩૮/૨૧-૨૨

વિષય : આપવામાં આવેલ અયોગ્ય બિલ ની રકમ વ્યાજ સાથે પરત મળવા બાબત.

સંદર્ભ : (૧) આપનો પત્ર તા. ૨૭/૦૭/૨૦૨૧ જે અત્રેની કચેરી ને મળ્યા તા. ૦૮/૦૮/૨૦૨૧.
(૨) અત્રેની કચેરીનો પત્ર નં. બીઝેડ/ફોરમ/૩૮/૨૧-૨૨/૨૪૧૬ તા. ૧૧/૦૮/૨૦૨૧.
(૩) અત્રેની કચેરીનો પત્ર નં. બીઝેડ/ફોરમ/૩૮/૨૧-૨૨/૩૦૮૩ તા. ૧૮/૧૦/૨૦૨૧.
(૪) અત્રેની કચેરીનો પત્ર નં. બીઝેડ/ફોરમ/૩૮/૨૧-૨૨/૩૩૫૬ તા. ૧૧/૧૧/૨૦૨૧.

જાહેરાત ✿ જાહેરાત

શ્રીમાન,

આપશ્રીની, ઉપરોક્ત વિષયના સંદર્ભમાં આપના દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગર સમક્ષ કરેલ રજુઆતના સંદર્ભમાં આપશ્રીને ફોરમ સમક્ષ તા. ૨૫/૧૧/૨૦૨૧ 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. ૨/૨૦૧૯ 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, 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 - ૩૯/૨૧-૨૨

વાદી :- મે.રૂઢ ગ્લોબલ ઈન્ફ્રા પ્રોડક્ટસ લી.

◇ વિરુદ્ધ ◇

પ્રતિવાદી :- પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

◇ રજૂઆતની તારીખ:- તા.૨૫/૧૧/૨૦૨૧ ◇

હાજર રહયા :- શ્રી વી.એલ. શાહ - અધિકૃત પ્રતિનિધિ

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

મે.રૂઢ ગ્લોબલ ઈન્ફ્રા પ્રોડક્ટસ લીમિટેડ, મું.શિહોર, તા.ભાવનગર, જી.ભાવનગર ની આપવામાં આવેલ અયોગ્ય બિલ ની રકમ વ્યાજ સાથે પરત મળાવ બાબતની રજૂઆત કન્વીનરશ્રી, ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગરને મળતાં, ફોરમે તેનાં ફરીયાદ રજીસ્ટરમાં ક્રમાંક : ૩૯/૨૧-૨૨ થી નોંધી તેનાં યોગ્ય નિરાકરણ માટે અધિક્ષક ઈજનેરશ્રી, વર્તુળ કચેરી, ભાવનગર ને પત્ર નં. બીઝેડ/ફોરમ/૩૯/૨૧-૨૨/૨૪૧૬ તા.૧૧/૦૮/૨૦૨૧ થી વાદીશ્રી ની જાણ હેઠળ મોકલી આપેલ.

આમ છતાં, ફોરમે વાદીશ્રી ને તેમની ફરિયાદ બારામાં લેખીત / મૌખિક રજૂઆત કરવા તા.૨૯/૧૦/૨૦૨૧ તથા તા.૨૫/૧૧/૨૦૨૧ ના રોજ ઉપસ્થિત રહેવા જણાવેલ. જેમાં, તા.૨૯/૧૦/૨૦૨૧ ના રોજ વાદી વતી તેના અધિકૃત પ્રતિનિધિ શ્રી બી.એલ.શાહ હાજર રહેલ તથા પ્રતિવાદી તરફે ગેરહાજર રહેલ. તેમજ તા.૨૫/૧૧/૨૦૨૧ ના રોજ વાદી વતી શ્રી શ્રી વી.એલ. શાહ - અધિકૃત પ્રતિનિધિ હાજર રહેલ તથા પ્રતિવાદી તરફે શ્રી પી.સી. પંચાલ, કાર્યપાલક ઈજનેર, ગ્રામ્ય વિભાગીય કચેરી, ભાવનગર ઉપસ્થિત રહેલ.

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

We are a company registered under Company's act and engaged in manufacturing of MS Billet, TMT Bars and Other related products and having our subject, plant situated at Survey No.144/1 &2 and 145/1, Village : Nesada, Tal. Sihor, Dist. Bhavnagar.



We are an EHT Consumer with PGVCL(Rural) Division, Bhavnagar having Connection No.24027 and Contract Demand of 25750 KVA under HTP-4 Tariff. We were receiving power from entities other than distribution licensee PGVCL and defined as open access customer in line with GERC Notification 3 of 2011. We had procured power under bilateral agreement with generator or from energy exchange.

On scrutiny of bills by our audit department, it is found that the demand charges collected by the distribution licensee is not in line with GERC open access regulation notified vide notification 3 of 2011. We had asked to revised the bills and refund the amount with interest vide our letter dtd.21.02.2021(Enclosure - 2) for such additional payment collected by respondent by wrongly charging the maximum demand charges for the month as recorded in place of maximum demand charges of energy supplied by PGVCL only.

As no reply is received from the respondent, we decided to file our grievances to CGRF of PGVCL at Bhavnagar.

Fact of the Matter :

- (1) As per Indian Electricity Act-2003 section 42(2), the distribution license should allow open access to its consumers and accordingly, Gujarat Electricity Regulatory Commission, GERC had formed GERC (Terms and Conditions of Intra State Open Access) Regulation -2011 vide notification 3 of 2011.
- (2) As per regulations 32 (3) of GERC Open Access Regulations - 2011. In case of deviation by Open Access Customer who is also a consumer of distribution licensee, the difference between the applicable scheduled open access load and actual drawl shall be accounted block wise and shall be settled in accordance with the following.
The Energy consumption of such customer shall be recorded in 15 minutes time block.



- . In case of actual energy drawl is more than the scheduled energy drawl but within the contracted demand, customer shall be liable to pay for such over drawl at the applicable tariff rates as determined by the commission time to time.
- . In Case of actual energy drawl is more than the scheduled energy drawl and also more than the contracted demand, payment for the capacity above the contract demand shall have to be made at the panel rate as specified by the commission for such categories of customers in the tariff schedule.

As per above, the demand charges if the actual energy drawl is more than the scheduled energy drawl, but within the contract demand, the customer has to pay the demand charges as per applicable tariff.

In other words, the open access customer has to pay the demand charges for the demand drawn **from** distribution licensee (In our case PGVCL) if the actual energy drawl is within the contract demand.

- (3) In our case, the respondent the Ex. Engr. (Rural) PGVCL, Bhavnagar had considered the maximum demand recorded in the meter for billing purpose Without differentiating between the actual recorded maximum demand and maximum demand for the power supplied by PGVCL.
- (4) In many months, the demand supplied by Distribution licensee by PGVCL is less than the actual maximum demand recorded in the meter. In all such cases, the bill is submitted with actual maximum demand recorded in meter as billing demand. **In fact, the billing demand should be maximum demand recorded for the power supplied by PGVCL only.** The billing procedure violets the GERC Regulations for open access(Notification 3 of 2011)
 - (a) As per above, we had asked for the refund for the period of open access Feb-2013 till today and requested to calculate all bills in line with GERC regulations from refund onwards (Annexure-3).
- (5) Regarding the matter, please note that a letter was sent as directive to the Superintending Engineer, C.O, PGVCL, Morbi by the Addl. Chief Engineer(R&C), Corporate Office, PGVCL, Rajkot vide No. PGVCL/R&C/11926



dtd.30.12.2016(Annexure-4).Explaining that as per related GERC regulations the energy bills of open access customer should be submitted considering the maximum demand recorded for supply made by PGVCL only. In line with that directive, the bills are revised or issued in Morbi Circle of PGVCL by considering maximum demand for power supplied by PGVCL as billing demand. At many places including Kutch Circle, the energy billing for open access consumers billed correctly with PGVCL demand since beginning of Open Access. Hon'ble CGRF is requested to direct respondent to confirm the same from the Morbi and Kutch Circle of same distribution licensee PGVCL as billing methodology and billing circulars are supposed to be same for all distribution company's under GUVNL in Gujarat States. Particularly, this guideline is issued by Corporate Office of the respondent there should not be any confusion regarding that and if such confusion prevails than same must be clarified by the respondent from his corporate Office.

- (6) The Electricity Ombudsman of Gujarat in his order in case No.63 of 2018 M/S. Sky Ceramics Private Limited V/S Executive Engineer, PGVCL, Morbi has granted refund from the date of release of Connection.

Point No.4.8 of his order says that,

"...4.8. As per Para No.4.6 records of connection of appellant are available with respondent since release of connection respondent has already installed poly - Phase meter at the time of release of said connection. Therefore, connection for use of electricity during night hours can be given to the appellant as per the tariff orders. Respondent is directed to grant night hours rebate from the date of release of connection to December - 2008 on the basis of consumption data of appellant as per meter checking sheet and meter reading sheet as produced."

According to above order the refund can be granted from the date of wrong billing.

- (7) In a recent order by CGRF of PGVCL at Bhavnagar in Case No.95 of 2019-20 M/S Madhu Silica Private Limited V/S EE(City-2),PGVCL, Bhavnagar (Annexure-5), in Point No.3.9 it is ordered that,

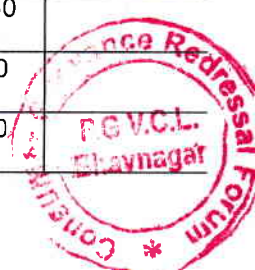


In view of the aforesaid observations, respondent is directed to work out revise bill for the period from Jan-14 to July-16 as per regulation - 32 (3) and refund charges to complainer's account within 30 days.

Our Prayer :

- (a) All the bills from date of granting open access till the date of refund, where the maximum demand billed is more than the maximum demand for power supplied by PGVCL, should be revised in line with GERC regulations and tariff order.
- (b) The difference of revised bills with respect to bill paid by us Should be refunded with interest till the same is materialised in Our account.
- (c) The billing programme of our connection should be revised accordingly.
- (d) Any other relief the Hon'ble, CGRF deemed fit in the matter should be granted.

| Demand Charge Difference Calculations for Rudra Global Conn. No.24027. | | | | | | | | | | |
|---|---------|-------|--------|---------------|--------------|----------------|-------|------|--------|-------------|
| Sr. No. | Month | CD | 85@ CD | Actual Demand | PGVCL Demand | Billing Demand | Diff. | Rate | Amount | Diff. Of ED |
| 1 | 13-Apr | 10000 | 8500 | 9913 | <85% CD | 9913 | 1413 | 350 | 494550 | |
| 2 | 13-May | 10000 | 8500 | 9980 | <85% CD | 9980 | 1480 | 350 | 518000 | |
| 3 | 13-Jun | 10000 | 8500 | 10106 | <85% CD | 10106 | 1606 | 350 | 562100 | |
| 4 | 13-Jul | 10000 | 8500 | 9873 | <85% CD | 9873 | 1373 | 350 | 480550 | |
| 5 | 13-Aug | 10000 | 8500 | 9963 | <85% CD | 9963 | 1463 | 350 | 512050 | |
| 6 | 13-Sept | 10000 | 8500 | 9881 | <85% CD | 9881 | 1381 | 350 | 483350 | |
| 7 | 13-Oct | 10000 | 8500 | 9959 | <85% CD | 9959 | 1459 | 350 | 510650 | |
| 8 | 13-Nov | 10000 | 8500 | 9723 | <85% CD | 9723 | 1223 | 350 | 428050 | |
| 9 | 13-Dec | 10000 | 8500 | 9981 | <85% CD | 9981 | 1481 | 350 | 518350 | |
| 10 | 14-Jan | 10000 | 8500 | 9777 | <85% CD | 9777 | 1277 | 350 | 446950 | |
| 11 | 14-Feb | 10000 | 8500 | 9777 | <85% CD | 9777 | 1277 | 350 | 446950 | |
| 12 | 14-Mar | 10000 | 8500 | 9809 | <85% CD | 9809 | 1309 | 350 | 458150 | |
| 13 | 14-Apr | 14000 | 11900 | 11953 | <85% CD | 11953 | 53 | 350 | 18550 | |
| 14 | 14-May | 14000 | 11900 | 12127 | <85% CD | 12127 | 227 | 350 | 79450 | |



| | | | | | | | | | |
|----|---------|-------|-------|-------|---------|-------|------|-----|--------|
| 15 | 14-Jun | 14000 | 11900 | 12147 | <85% CD | 12147 | 247 | 350 | 86450 |
| 16 | 14-Jul | 14000 | 11900 | 12365 | <85% CD | 12365 | 465 | 350 | 162750 |
| 17 | 14-Aug | 14000 | 11900 | 12155 | <85% CD | 12155 | 255 | 350 | 89250 |
| 18 | 14-Sept | 14000 | 11900 | 12470 | <85% CD | 12470 | 570 | 350 | 199500 |
| 19 | 14-Oct | 14000 | 11900 | 12470 | <85% CD | 12470 | 570 | 350 | 199500 |
| 20 | 14-Nov | 14000 | 11900 | 12045 | <85% CD | 12045 | 145 | 350 | 50750 |
| 21 | 14-Dec | 14000 | 11900 | 12062 | <85% CD | 12062 | 162 | 350 | 56700 |
| 22 | 15-Jan | 14000 | 11900 | 12077 | <85% CD | 12077 | 177 | 350 | 61950 |
| 23 | 15-Feb | 14000 | 11900 | 12632 | <85% CD | 12632 | 732 | 350 | 256200 |
| 24 | 15-Mar | 14000 | 11900 | 12638 | <85% CD | 12638 | 738 | 350 | 258300 |
| 25 | 15-Apr | 14000 | 11900 | 13192 | <85% CD | 13092 | 738 | 425 | 258300 |
| 26 | 15-May | 14000 | 11900 | 13057 | <85% CD | 13057 | 1157 | 425 | 491725 |
| 27 | 15-Jun | 14000 | 11900 | 12459 | <85% CD | 12459 | 559 | 425 | 237575 |
| 28 | 15-Jul | 14000 | 11900 | 12190 | <85% CD | 12190 | 290 | 425 | 123250 |
| 29 | 15-Aug | 14000 | 11900 | 12410 | 12000 | 12410 | 410 | 425 | 174250 |
| 30 | 15-Sept | 14000 | 11900 | 12253 | <85% CD | 12253 | 353 | 425 | 150025 |
| 31 | 15-Oct | 14000 | 11900 | 12064 | <85% CD | 12064 | 164 | 425 | 69700 |
| 32 | 15-Nov | 14000 | 11900 | 12044 | <85% CD | 12044 | 144 | 425 | 61200 |
| 33 | 15-Dec | 14000 | 11900 | 12370 | <85% CD | 12370 | 470 | 425 | 199750 |
| 34 | 16-Jan | 14000 | 11900 | 12417 | <85% CD | 12417 | 517 | 425 | 219725 |
| 35 | 16-Feb | 14000 | 11900 | 12477 | <85% CD | 12477 | 577 | 425 | 245225 |
| 36 | 16-Mar | 14000 | 11900 | 12567 | <85% CD | 12567 | 667 | 425 | 283475 |
| 37 | 16-Apr | 14000 | 11900 | 12531 | <85% CD | 12531 | 631 | 475 | 299725 |
| 38 | 16-May | 14000 | 11900 | 12481 | <85% CD | 12481 | 581 | 475 | 275975 |
| 39 | 16-Jun | 14000 | 11900 | 12573 | <85% CD | 12573 | 673 | 475 | 319675 |
| 40 | 16-Jul | 14000 | 11900 | 12688 | <85% CD | 12688 | 788 | 475 | 374300 |
| 41 | 16-Aug | 14000 | 11900 | 12570 | 12421 | 12570 | 149 | 475 | 70775 |
| 42 | 16-Sept | 14000 | 11900 | 12344 | 12206 | 12344 | 138 | 475 | 65550 |
| 43 | 16-Oct | 14000 | 11900 | 12702 | 12256 | 12702 | 446 | 475 | 211850 |
| 44 | 16-Nov | 14000 | 11900 | 13032 | <85% CD | 13032 | 1132 | 475 | 537700 |
| 45 | 16-Dec | 14000 | 11900 | 13035 | <85% CD | 13035 | 1135 | 475 | 539125 |
| 46 | 17-Jan | 14000 | 11900 | 13121 | <85% CD | 13121 | 1221 | 475 | 579975 |
| 47 | 17-Feb | 14000 | 11900 | 13021 | <85% CD | 13021 | 1121 | 475 | 532475 |
| 48 | 17-Mar | 14000 | 11900 | 12538 | <85% CD | 12538 | 638 | 475 | 303050 |



| | | | | | | | | | | | |
|----|---------|-------|-------|--|---------|-------|-------|-----|----------|-----------|----------|
| 49 | 17-Apr | 14000 | 11900 | 12576 | <85% CD | 12576 | 676 | 475 | 321100 | | |
| 50 | 17-May | 14000 | 11900 | 12623 | <85% CD | 12623 | 723 | 475 | 343425 | | |
| 51 | 17-Jun | 14000 | 11900 | 12638 | <85% CD | 12638 | 738 | 475 | 350550 | | |
| 52 | 17-Jul | 14000 | 11900 | 12586 | <85% CD | 12586 | 686 | 475 | 325850 | | |
| 53 | 17-Aug | 14000 | 11900 | 12530 | <85% CD | 12530 | 630 | 475 | 299250 | | |
| 54 | 17-Sept | 14000 | 11900 | 13223 | <85% CD | 13223 | 1323 | 475 | 628425 | | |
| 55 | 17-Oct | 14000 | 11900 | 13220 | <85% CD | 13220 | 1320 | 475 | 627000 | | |
| 56 | 17-Nov | 14000 | 11900 | 12315 | <85% CD | 12315 | 415 | 475 | 197125 | | |
| 57 | 17-Dec | 14000 | 11900 | 12871 | <85% CD | 12871 | 971 | 475 | 461225 | | |
| 58 | 18-Jan | 14000 | 11900 | 12849 | <85% CD | 12849 | 949 | 475 | 450775 | | |
| 59 | 18-Feb | 14000 | 11900 | 13253 | <85% CD | 13253 | 1353 | 475 | 642675 | | |
| 60 | 18-Mar | 14000 | 11900 | 13070 | 13070 | 13070 | 0 | 475 | 0 | | |
| 61 | 18-Apr | 14000 | 11900 | 13455 | 13455 | 13455 | 0 | 475 | 0 | | |
| 62 | 18-May | 14000 | 11900 | 13330 | 13330 | 13330 | 0 | 475 | 0 | | |
| 63 | 18-Jun | 14000 | 11900 | 13350 | 13350 | 13350 | 0 | 475 | 0 | | |
| 64 | 18-Jul | 14000 | 11900 | 13271 | 13271 | 13271 | 0 | 475 | 0 | | |
| 65 | 18-Aug | 14000 | 11900 | 13275 | 13275 | 13275 | 0 | 475 | 0 | | |
| 66 | 18-Sept | 14000 | 11900 | 13201 | 13201 | 13201 | 0 | 475 | 0 | | |
| 67 | 18-Oct | 14000 | 11900 | 13679 | <85% CD | 13679 | 1779 | 475 | 845025 | 126753.75 | |
| 68 | 18-Nov | 14000 | 11900 | 13541 | <85% CD | 13541 | 1641 | 475 | 779475 | 83742.25 | |
| 69 | 18-Dec | 14000 | 11900 | 13347 | <85% CD | 13347 | 1447 | 475 | 687325 | 78120.65 | |
| 70 | 19-Jan | 14000 | 11900 | 13521 | <85% CD | 13521 | 1621 | 475 | 769975 | 83568.27 | |
| 71 | 19-Feb | 14000 | 11900 | 13873 | <85% CD | 13873 | 1973 | 475 | 937175 | 99916.53 | |
| 72 | 19-Mar | 14000 | 11900 | 13697 | <85% CD | 13697 | 1797 | 475 | 853575 | 96361.77 | |
| 73 | 19-Apr | 26000 | 22100 | 24660 | <85% CD | 24660 | 2560 | 475 | 1216000 | 148003.46 | |
| 74 | 19-May | 26000 | 22100 | 24375 | <85% CD | 24375 | 2275 | 475 | 1080625 | 138009.87 | |
| 75 | 19-Jun | 26000 | 22100 | 24623 | <85% CD | 24623 | 2523 | 475 | 1198425 | 150871.75 | |
| | | | | | | | | | | | |
| | | | | | | | Total | | 25792550 | 1255140 | |
| | | | | Total Refund with ED Difference | | | | | | | 27047690 |



પ્રતિવાદીશ્રીની તેમની રજૂઆત છે કે,

A. M/S. Rudra Global Intra Products Ltd. is EHT Consumer of PGVCL vide Consumer No.24027, having Contract Demand : 25750 KVA.

| | |
|--|--------------------|
| Connection Release C.D 10000 KVA | Date : 01.02.2013. |
| Load Extension 10000+4000 = 14000 KVA | March - 2014 |
| Name Change : Old : M D Inducto Cast Pvt. Ltd. New : Rudra Global Intra Products Ltd. | August - 2018. |
| Load Extension 14000+12000=26000 KVA | April-2019 |
| Load Reduction 26000-250=25750 KVA | Nov-2019. |

B. An approval was accorded by our competent authority vide letter No. PGVCL/R&C/1491 dtd.25.02.2013 to M/S. M D Inducto Cast Pvt. Ltd. (Old Name). In this letter there is no specific instruction about taking MD into consideration for billing purpose. Same is attached herewith.

C. As mentioned in list of documents enclosed, Enclosure -2, copy of letter to EE , PGVCL, Bhavnagar dtd.12.02.2021 is not found in attachment.

Against the Submission Fact of the matter, Reply from PGVCL side is as below :

- 1) As per Indian Electricity Act-2003 Section-42(2), the distribution licensee should allow open access to its consumers and accordingly, GERC has formed GERC regulation - 2011 vide notification No.3 of 2011.
- 2) GERC regulation notification 3 of 2011 Clause No.32(3).

32. Imbalance Charge :

(3) In Case of deviation by Open access customer who is also a consumer of distribution licensee, the difference between the applicable scheduled open access load and actual drawl shall be accounted block wise and shall be settled in accordance with the following :



- The Energy Consumption of such customer shall be recorded in 15 minutes time block.
- In Case of actual energy drawl is more than the Scheduled Energy drawl but within the contracted demand, customer shall be liable to pay for such over drawl at the applicable tariff rates as determined by the Commission time to time.
- In Case of actual energy drawl is more than the scheduled energy drawl and also more than the contracted demand, payments for the capacity above the contract demand shall have to be made at the penal rate as specified by the commission for such categories of customers in the tariff schedule.

GERC regulation notification No.3 of 2011 Clause No.32(3) is for imbalance charges, which clearly states about energy charges only. It is not mention about issuing of energy bill to the open access customer considering the actual recorded maximum demand or maximum demand for the power supplied.

Where the maximum demand is more than the contract demand payment for the capacity above the contract demand shall have to be made at the penal rate as specified by the Commission for such categories of customers in the tariff schedule.

(3) Energy Bills in line with the GERC regulation notification No.3 of 2011.

(4) Demand recorded in Meter is actual total load used by consumer. It means that consumer had used that load (demand) through network to which this open access consumer is connected. Hence, burden on distribution licensee network is as per actual demand recorded in meter not as per power supplied. Hence, there is no violation of GERC regulation for open access notification 3 of 2011 as mentioned at reply(2).

a. Revise Bills Calculation from Feb-2013 is not correct not as per tariff.

(5) PGVCL letter No.PGVCL/R&C/11926 dtd.30.12.2016 is not available with us.

(6) The Electricity Ombudsman of Gujarat in Order in Case No.63 of 2018, the matter is not similar to the case of Rudra Global Intra Products Ltd.

(7) Order by CGRF of Bhavnagar in case No.95 of 2019-20 of M/S. Madhu Silica Private Limited, No any direction available with us.

D. It is also brought in notice to the Hon'ble CGRF that demand recorded in



meter is actual total load used by the consumer. It means that consumer had used that load(demand) through network to which this open access consumer connected. Hence, burden on this network is as per actual demand recorded in meter not as per power supplied by PGVCL. Hence, Bills issued as per actual demand are correct.

E. It is also brought in notice to the Hon'ble CGRF that in SUO-MOTO Petition filled by Hon'ble GERC vide No.1213/2012 " in the matter of SUO MOTO petition on Commission's Jurisdiction for determination of tariff of the Consumers of 1 MW and above, in the light of consideration of such Consumers as Deemed Open Access Consumers."

SUO-MOTO petition Order at Clause No.9 :

- (c) The State Commission has jurisdiction to determine tariff for all consumers, including those having load of 1MW and above. Tariffs determine the state Commission is as mention at Point "F" & Bills prepared in line with tariff only.
- (d) The distribution licensees have no power to determine the rate and terms and conditions of supply for any category of consumers, including those having load of 1 MW and above.

Hence, PGVCL has no right to derive methodology to find out demand charges for Open Access Consumers.

F. GERC regulation notification 3 of 2011 Clause No.32(3) :

In Case of actual energy drawl is more then the scheduled energy drawl but within the contracted demand, customer shall be liable to pay for such over drawl at the applicable tariff rates as determined by the Commission time to time.

As per applicable Tariff for HT Connection :

13.4 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



G. As per GERC regulation notification 3 of 2011 Clause No.45, Powers to Remove Difficulties.

If any difficulty, arises in giving effect to any of the provisions of these regulations, the commission may by general or special order, direct the state transmission utility, state load dispatch centre, intra state licensees and the open access customer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

So, if applicant has any grievance regarding open access bill, they should represent it to GERC.

Our Prayer :

Considering the facts and GERC Notification 3 of 2011 Clause No.32(3) & SUO-MOTO Petition filed by Hon'ble GERC vide No.1213/2012, Energy Bills prepared for Open access Consumer M/S. Rudra Global Infra Products Ltd. are in order and as per approved tariff by GERC and Hence no need for any revision.



FORUM'S FINDINGS.

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

- 3.1 Complainer M/s Rudra Global Infra Products Limited is EHT consumer bearing consumer number 24027 of 25750 KVA under HTP IV tariff at village Nesda, Tal: Shihor. Complainer is EHT consumer of Respondent PGVCL and caters power supply from 66 KV Ghanghali substation.
- 3.2 Complainer is Open Access consumer (OCS) drawing power from other entities in accordance to GERC notification 3 of 2011.
- 3.3 Complainer has represented that Respondent PGVCL had wrongly recovered demand charges and not billed as per regulations 32(3) from April 2013 to June 2019. Respondent recovered maximum demand charges recorded in the meter for billing purpose without differentiating the actual recorded maximum demand and maximum demand for the power supplied by PGVCL, instead of billing in accordance to regulation 32(3).
- 3.4 Complainer being Open Access Consumer (OCS) should be billed as per regulation 32(3) of GERC Notification. 32(3) of notification states:

(3) In case of deviation by Open Access Customer who is also a consumer of distribution licensee, the difference between the applicable scheduled open access load and actual drawl shall be accounted Block wise and shall be settled in accordance with the following:

- *The energy consumption of such customer shall be recorded in 15 minutes time block.*
- *In case of actual energy drawl is more than the scheduled energy drawl but within the contracted demand, customer shall be liable to pay for such over drawl at the applicable tariff rates as determined by the Commission time to time.*
- *In case of actual energy drawl is more than the scheduled energy drawl and also more than the contracted demand, payment for the capacity above the contract demand shall have to be made at the penal rate as specified by the Commission for such categories of customers in the tariff schedule.*
- *Provided that in case of under drawl as a result of non-availability of the distribution system or unscheduled load shedding, the open access customers shall be compensated by the distribution licensee at the rate of compensation notified by the Commission under standard of performance regulations for relevant category of consumers.*



Provided that in case of underdrawal as a result of non-availability of the distribution system or unscheduled load shedding, the open access customer shall be compensated by the distribution licensee at the average power purchase cost of the distribution licensee.

[Explanation.- For the purpose of this regulation, unscheduled load shedding means, load shedding during hours other than the hours for which load shedding has been announced by the distribution licensee according to the State Distribution Code.]

3.5 Complainer as well as Respondent have evoked Clause 32 (3) of GERC Open Access Regulation 2011. Respondent has submitted that they have billed Complainer in accordance with Regulation 32 (3). Complainer has submitted that Respondent has not considered maximum demand for billing purpose in accordance with Regulation 32 (3) and submitted statement showing amount to be refunded by Respondent PGVCL.

3.6 Open access consumer, Madhu Silica had filled the case No. 95/19-20 before this Forum. Madhu Silica had filled complaint regarding wrong consideration of demand by PGVCL. Forum had ordered PGVCL to revise the bill as per Regulation 32(3) and refund charges.

3.7 Complainer has submitted the order issued by GERC Ombudsman Gujarat State in case No. 27/2021, M/s Grasim Industries Ltd. V/s Executive Engineer PGVCL Veraval. Grievances of this case are of similar nature.

(a) Seceond para of 4.8 of Omudsman order No. 27/2021 states:

The Respondent is directed to verify the records of energy bill issued under open access as per the period mentioned by the Appellant in their letter dated 6.2.2018 and to confirm the demand supplied by the Respondent during the said period as shown by the Appellant in their letter and to work out the revise bill as per correct demand supplied by the Respondent in accordance with the 32 (3) of the notification No. 3 of 2011. Further, after carrying out the exercise as directed above the Respondent is directed to refund the differential amount, if any, to the Appellant by crediting amount in subsequent energy bill. Copliance to be reported within 30 days period.

(b) Ombudsman, in the clause No. 4.4 of their order, has observed and noted In light of regulation 32(3) that open access consumer who is also a consumer of Respondent, the energy drawn from the scheduled open



access should not be charged at tariff rate. Maximum demand recorded by energy supplied by the Respondent i.e. PGVCL should be charged in the regular bill.

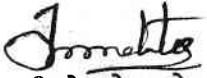
- 3.8 Respondent has raised the Clause No. 9 (c) and (d) of Suo-Motu petition (No. 1213/2012) Order. However, in the instant case, the matter before this Forum is not about to determine tariff, terms and conditions of supply. This case relates with implementation of regulation 32(3) of GERC notification 3 of 2011 for open access consumers. Respondent has misconceived interpretation of Clause 32(3) and carried out incorrect billing of Respondent.
- 3.9 Respondent has raised the point mentioning clause No:45 of notification 3 of 2011, Powers to Remove Difficulties. Forum has to deal the complaint / grievance filled before Forum as per GERC notification No. 2 of 2019.
- 3.91 From the above observations, it is found that instead of considering maximum demand supplied by Respondent for the purpose of recovery of the demand charges in the bill of Complainer, Respondent has considered maximum demand recorded in meter and accordingly recovered demand charges from Complainer for the period from April 2013 to June 2019. Complainer has submitted statement showing month wise billing demand, PGVCL demand and amount to be refunded to Complainer.
- 3.92 Complainer transpired about demand charges being recovered from April 2013 to June 2019 by PGVCL were not in line with Regulation 32(3). Complainer came to know regarding wrong billing from April-13 to onwards of late, i.e, after 6 years. Such erroneous billing may take place, but sometime it comes in to knowledge lately. In the instant case erroneous billing is done inadvertently by Respondent. Complainer has prayed for refund of amount with interest. Complainer has not submitted any regulation / rule in support of their demand. In view of above, Complainer's demand of refund with interest is not acceptable.
- 3.93 Respondent is directed to verify the statement submitted by Complainer for the period mentioned in Para 3.91 and confirm the demand supplied by Respondent during period as shown by Complainer and work out


revise bill as per correct demand supplied by the Respondent as per regulation 32(3) and refund differential amount to the Complainer by crediting amount in the subsequent energy bill within 30 days period. Interest on amount to be refunded is not accepted as per Para No. 3.92.

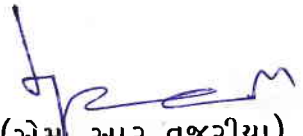
3.94 ORDER: As per Para 3.93.

—:: હુકમ ::—

- વાદીની રજૂઆત, પ્રતિવાદીની રજૂઆત તેમજ ફોરમ સમક્ષ રજૂ થયેલ દસ્તાવેજી પુરાવા અને ઉપરના તારણો પરથી તારણ નં " 3.૯૩ " 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 કંમ્પાઉન્ડ, આંબાવાડી, અમદાવાદ સમક્ષ અપીલ કરી શકે છે.


(શ્રીમતી જે.એમ.મેહતા)
સ્વતંત્ર સભ્યશ્રી


(એ.એ.જાડેજા)
ટેકનીકલ સભ્યશ્રી


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

તારીખ :- ૨૫/૧૧/૨૦૨૧.

