



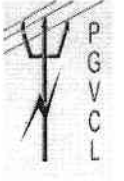
# પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

## ગ્રાહક તકરાર નિવારણ ફોરમ

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

CIN : U40102GJ2003SGC042908

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ક્રમાંક: બીએડ/ફોરમ/૪૦/૨૧-૨૨/૩૪૫૫

તારીખ: 23 DEC 2021

આર.પી.એ.ડી.

પ્રતિ,

મે. ન્યાલકરણ સ્ટીલ ઈન્ડ.

સર્વે નં-૪૭, પ્લોટ નં-૧,

ગામ-મગલાણા, તા.શિહોર,

જી.ભાવનગર - ૩૬૪૨૪૦.

મો.નં-૯૭૧૨૯ ૧૨૦૬૪

કેસ નં. ૪૦/૨૧-૨૨

**વિષય :** અમારા એચ.ટી.કનેક્શન નો અન્ડર ગ્રાઉન્ડ નેટવર્ક થી પાવર સપ્લાય મળવા બાબત.

**સંદર્ભ :** (૧) આપનો પત્ર તા.૨૩/૦૮/૨૦૨૧ જે અત્રેની કચેરી ને મળ્યા તા.૨૩/૦૮/૨૦૨૧.

(૨) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૦/૨૧-૨૨/૨૫૦૮ તા.૨૪/૦૮/૨૦૨૧.

(૩) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૦/૨૧-૨૨/૩૦૮૨ તા.૧૮/૧૦/૨૦૨૧.

(૪) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૦/૨૧-૨૨/૩૩૫૫ તા.૧૧/૧૧/૨૦૨૧.

### જાહેરાત

શ્રીમાન,

આપશ્રીની, ઉપરોક્ત વિષયના સંદર્ભમાં આપના દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગર સમક્ષ કરેલ રજૂઆતના 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.

*Rud*  
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 - ૪૦/૨૧-૨૨

વાદી :- મે.ન્યાલકરણ સ્ટીલ ઈન્ડ.

◇ વિરુદ્ધ ◇

પ્રતિવાદી :- પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

◇ રજૂઆતની તારીખ:- તા.૨૩/૧૧/૨૦૨૧ ◇

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.ન્યાલકરણ સ્ટીલ ઈન્ડસ્ટ્રીઝ, મું.શિહોર, તા.ભાવનગર ની અમારા એચ.ટી. કનેક્શન નો અન્ડર ગ્રાઉન્ડ નેટવર્ક થી પાવર સપ્લાય મળવા બાબતની રજૂઆત કન્વીનરશ્રી, ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગરને મળતાં, ફોરમે તેનાં ફરીયાદ રજીસ્ટરમાં ક્રમાંક : ૪૦/૨૧-૨૨ થી નોંધી તેનાં યોગ્ય નિરાકરણ માટે અધિક્ષક ઈજનેરશ્રી, વર્તુળ કચેરી, ભાવનગર ને પત્ર નં. બીએડ/ફોરમ/૪૦/૨૧-૨૨/૨૫૦૮ તા.૨૪/૦૮/૨૦૨૧ થી વાદીશ્રી ની જાણ હેઠળ મોકલી આપેલ.

આમ છતાં, ફોરમે વાદીશ્રી ને તેમની ફરિયાદ બારામાં લેખિત / મૌખિક રજૂઆત કરવા તા.૨૯/૧૦/૨૦૨૧ તથા તા.૨૩/૧૧/૨૦૨૧ ના રોજ ઉપસ્થિત રહેવા જણાવેલ. જેમાં, વાદી ના પ્રતિનિધિ શ્રી વી.એલ. શાહ 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...

### **Representation -1 on dtd.23.08.2021.**

We are a partnership firm engaged in manufacturing of ingot/billet from iron scrape and other related products and having our plant situated at Survey No.247 P1/P1, Village : Maglana, Tal : Sihor, Dist : Bhavnagar Gujarat. We are HT Consumer with PGVCL Bhavnagar (Rural) Division having Connection No.24164 and contract demand of 4000 KVA under HTP 4 tariff.



We had paid registration fee for our electric connection on 28.12.2020 after scrutiny of our application and site survey by office of the respondent.

At the time of site survey, we asked for service line with underground cable. It was Verbally Informed to us that as per some circular of the distribution licensee PGVCL, the applicant is not allowed to have connection with underground cable and will be catered power by overhead line only.

In line with above and estimate is issued on 29.01.2021 and we are left with no option but to make payment of the said estimate and we pay the same on 03.02.2021.

After making payment, we immediately requested the chief Engineer of the respondent's company with a copy to the respondent to cater the power through underground cable but no reply is received.

As our plant was ready and delay in electric connection might have resulted in irreversible financial losses. We completed the formalities and our connection with overhead service line is released on 16.02.2021. To get sustainable power we file this application to direct the respondent to cater the power through an underground cable by replacing the overhead line which is erected to supply the power to us.

**Facts :**

- (1) Gujarat Urja Vikas Nigam Limited (GUVNL) with other Distribution licensees including PGVCL as Co-petitioner filed Petition No.1829 in Gujarat Electricity Regulatory Commission (GERC) for approval of levy of per KVA based charges from applicant towards expenditure to be incurred by Distribution licensee for development of electrical network for providing power supply at 11 KV/22 KV voltage level to new HT Connection/additional demand.

After hearing and due procedure, the Hon'ble GERC issue final order dtd.07.07.2020 (Annexure-2) in the matter.

- (2) In line with above order by GERC, the distribution licensee Paschim Gujarat Vij Company Limited (PGVCL) and Co-Petitioner in the Petition No.1829 had issued guideline No. PGVCL/Comm/5969 dtd.21.07.2021(Annexure-3). The related para of the guideline is narrated below.



...(6) *If the normal distribution system is underground and nearby feeder is also having underground network, then new connection shall be proposed with underground cable network only. Similarly, for extension of HT Line from existing underground feeder shall be with underground cable network only and for such underground works actual cost incurred shall be recovered as per the prevailing practise.*

We had applied electric connection for contract demand of 4000 KVA under HTP 4 tariff. Almost all electric connection of induction furnaces having contract demand of 4000 KVA in Sihor Ghanghali area are catered power by underground cable Only. The same can be confirmed from the respondent.

- (3) In induction furnace industry, the tripping or permanent fault affects production in big way. The molten metal at very high temperature will jammed in the crucible and required instant cooling and in lieu of immediate action it may blast and sometimes cause fatal accident. Due to above reason, all induction furnaces are normally catered power supply by UG Cable.
- (4) In spite of our verbal request, the estimate was issued for overhead line with fix cost of service line at Rs.1800.00 per KVA(Annexure-4). As our plant is near completion and any delay in commissioning may occurred huge irreversible loss to us, we are compelled to pay to estimate on 03.02.2021.
- (5) We narrated the problems to The Chief Engineer of the respondent at Bhavnagar in our letter dtd.04.02.2021(Annexure-5) with a copy to the respondent. We have not received reply from addressee till date.
- (6) Our connection was released on 16.02.2021. Meanwhile, other applicant of induction furnace M/S Steel Biz industries was also denied the power catered through UG cable by the respondent. This applicant had applied to CGRF and office of the Ombudsman for justice. Hon'ble Ombudsman in his order dtd.05.05.2021 in Case No.67/2020 had quashed the action of the respondent and direct him to cater power to the applicant by UG Cable. Review petition filed by the respondent to Hon'ble Ombudsman is also rejected.





- (7) We are filling this application to Hon'ble CGRF to quash the estimate for new connection and direct the respondent to cater power by underground cable by collecting charges as per rule.

**Grounds :**

- (a) Some of the important points of order in petition No.1829 is narrated below for your ready reference please.

This will not be applicable to underground cable network, for that the present practise of issuing estimate shall continue till the methodology for this is further approved by the commission.

The Commission has issued the GERC (Licensees power to recover expenditure incurred in providing supply and other miscellaneous charges) (Second amendment) Regulations- 2020, which was published in Government Gazette on 26.06.2020.

As per above, the relevant Para.

**"2. Amendment in chapter – V of the principle regulations."**

Clause – 5(iii) and (iv) shall be added in the principle regulations,

"5.....

.....

- (iii) The distribution licensee may recover the charges for seeking new demand/load extension at HT level on Rs. Per KVA / KW basis from prospective applicants and may dispense with the preparation of detailed individual estimates depending on technical and other constraints and parameters, if any.

Necessary details shall be submitted to the commission, as may be required. The Commission may accept the same after detailed scrutiny or ask the distribution licensee to file necessary details, as may be required to issue SUO MOTO directions.

- (iv) The methodology to be adopted by the distribution licensee shall require commission's approval.

Point No.1.15 of the GERC Order in petition 1829 highlights part of the representation by the petitioner GUVNL and Co-petitioner PGVCL and others.



1.15 the petitioner has proposed the methodology to work out charges to be recovered on Rs. Per KVA basis from the prospective applicants seeking new demand / Load extension at HT level as under.

- For determination of Per KVA based charges, maximum allowable feeder length considering feeder capacity and permissible HTVR is worked out. Based on permissible feeder length, normative cost of 11 KV / 22 KV feeder is worked out taking into consideration the cost of all possible components of a feeder excluding cost towards railway crossing and highway crossing for which recovery shall be based on actual expenditure incurred for crossing work. The total normative cost of feeder with allowable feeder length divided by total permissible KVA load that can be catered from such feeder shall be the basis for recovery of per KVA charges irrespective of actual expenditure involved / incurred.
  - For determining permissible feeder length, maximum permissible % HTVR is considered at 9% as per GERC (Standard of performance of distribution licensee) Regulations, 2005. Maximum feeder capacity to be considered is 4000 KVA in case of 11 KV feeder and 8000 KVA in case of 22 KV feeder as per GERC (Electricity Supply Code and related matters) regulations, 2015. **For working of normative feeder cost, all components of feeder including support pole/ Underground Cable, VCB, Indoor and outdoor cable termination kit, feeder gentry with cross boundary protection, guarding, tapping, CTPT structure with CTPT and TVM etc. are to be taken into consideration.**
- (vi) As severe row issues are faced in a field while erecting new lines, independent or express feeder will not be permitted less than and up to 2000 KVA power demand.



However, in case, there is no any technical feasibility to release the supply from the existing network, such consumer / load may be released by laying a separate feeder with DISCOM ownership of the feeder. DISCOMs can release new connections / additional load of prospective/existing consumers on such feeders.

**1.19 The Petitioner proposes to recover actual cost from the prospective consumer in the following conditions :**

(I) If consumer request for dedicated feeder even though the proposed load can be catered from existing network/by upgrading existing network.

(II) For customized request like shifting of metering point, conversion of existing overhead network by either AB Cable or underground cable.

(The petitioner also submitted that)

6.2 Further, it is submitted that at present underground cable network is very limited in DISCOMs supply area as compared to overhead network. The proposed mechanism for recovery of charges on per KVA basis towards network cost is a new concept for DISCOMs. Therefore, it is requested that for initial period of 1-2 years, the commission may consider to introduce per KVA charges initially only for overhead network and after reviewing the experience of recovery of per KVA based charges for overhead network, the concept of per KVA based charges may be introduced for underground cable network.

Accordingly,

**Further, in the cases, where underground cable is required, the present provision of the relevant regulation will be followed i.e. actual cost of recovery for underground cabling.**

11.8 After going through the submissions of the petitioners and the objectors, and after detailed analysis, looking to the present



..8..

circumstances and to encourage ease of doing business, the commission is considering the petitioner's following requests to recover expenditure for providing HT connections/ load extension and decides to :

(a) Approve the methodology for determination of per KVA based estimate charges for providing new HT connection/load extension at 11/22 KV up to 5.5 KM.

(b) Continue recovery of actual expenditure over and above the per KVA rate in case of :

(i) Overhead HT network of 11/22 KV above 5.5 KM for additional network greater than 5.5 KM.

(ii) Railway Crossing

(iii) Highway Crossing.

11.9 The Commission in order to encourage the MSMEs and other small entrepreneurs and to encourage ease of doing business for a licensees, hereby decides to charge per KVA rate for releasing new HT connections / Load extension at 11 / 22 KV network up to 5.5 KM as mentioned below.

(i) The rate for the new HT Connection/ Load extension up to or less than 500 KVA shall be Rs.1500/KVA.

(ii) The rate for the new HT Connection/ Load extension above 500 KVA shall be Rs.1800/KVA.

This shall be applicable for all the HT applicants (for new connection/Load extension) for which the estimates have not been issued as on the date of issue of this order.

11.10 Above charges, HT Consumer shall be uniformly applicable for all the state owned DISCOMs till further orders in this regard.

11.11 The commission has already amended the GERC(Licensee's power to recover expenditure incurred in providing supply and other miscellaneous charges)

Regulations, 2005 and notified it as notification No.3 of 2020 dtd.26.06.2020 and thus allows recovery of per KVA based estimate charges of release of New HT Connection / Load extension up to 5.5 KM for overhead network. **This will not be applicable to**





**underground cable / network, for that the present practise of issuing the estimate shall continue till the methodology for this is further approved by the commission.**

(Emphasis added)

(b) After the said GERC order in petition No.1829, the distribution licensee PGVCL had issued of a Circular No.5969 dtd.21.07.2020 some of the highlights of the order is reproduced below.

In the order dtd.07.07.2020, Hon'ble GERC has approved the recovery of per KVA based estimate charges for released of 11 KV/22 KV new HT Connection/Load extension up to 5.5 KM line length for overhead network as under.

- (i) The rate for the new HT Connections /Load extension for demand up to or less than 500 KVA Rs.1500 per KVA,
- (ii) The rate for the new HT Connections/Load extension for demand above 500 KVA Rs.1800 per KVA.

Further, Hon'ble commission has also allowed DISCOMs to continue with the recovery of actual expenditure over and above per KVA based charges in case of.

- a. Overhead HT network of 11 / 22 KV above 5.5 KM for additional network greater than 5.5 KM.
- b. Railway Crossing
- c. Highway crossing.

.....

(5) In case of new connection, the technical feasibility for releasing new connection is to be accessed from nearby feeder only and in case of extension in demand, the feasibility is to be accessed from existing feeder only.

(6) If the normal distribution system is underground and nearby feeder is also having underground network, then new connection shall be proposed with underground cable network only. Similarly, for extension of HT line from existing underground feeder shall be with underground cable network only and for such underground works, actual cost incurred shall be recovered as per the prevailing practice.

(7) If the HT new connection / additional load is proposed from an overhead network / feeder, the proposed HT line shall be erected overhead only. The



underground cable line shall be laid only on those parts of the line route where erection of overhead line is technically not feasible the actual cost of such underground part of the line with underground components shall be recovered as per actual cost incurred as per the prevailing practice over and above the per KVA based recovery of charges.

- (8) Actual cost of the erection of line in excess of 5.5 KM / augmentation of line in excess of 5.5 KM shall be recovered from the applicant, which shall be over and above the fix per KVA based charges.
- (9) In case of requirement for erection of high bird type Network (i.e. overhead and underground) for proposed HT line, the length of only overhead line shall be Considered for deciding the criteria of permissible line length of 5.5 KM for applicability of per KVA based charges. In such case / actual cost of the underground part of HT line along with underground cable components shall be recovered from applicants over and above the per KVA base estimate charges.
- (10) In case of erection of new line for a proposed group of more than one connection, actual cost of line in excess of 5.5 KM shall be recovered proportionally from all applicants over and above per KVA based charges.
- (11) In view of the increasing right of way (ROW) and way leave related issues, Separate feeder shall not be permitted to consumer. However, if it is not technically feasible to release the connection / additional demand from the existing / nearby network in that case/feeder bifurcation is to be carried out.
- (12) Separate feeder shall be allowed only if HT new /existing /additional demand is requested by Government/local body for water works/sewage, Government Hospitals and Military services. In such cases, cost as per KVA rate or actual cost of feeder whichever is higher shall be recovered.
- (13) Since the recovery of charges is on per KVA basis irrespective of actual cost involved for release of new connection/additional demand, work under option - II shall not be permitted.
- (14) The consumer /applicant shall require to pay actual charges separately towards following :



- (i) For customized request like shifting of metering point, shifting of line, conversion of existing overhead network by either AB Cable or underground Cable.
- (ii) Where separate infrastructural network developed under critical infrastructure project, where Governments /Developers contribution is involved, since specialized equipment such as Ring Main Unit (RMU) and HTMC (Outdoor VCB/LBS with CTPT in single enclose with installation on Plinth) are also installed resulting into higher cost
- (iii) Charges/Costs towards Railway crossing, Highway Crossing, Canal Crossing, way leave, deforestation, GIDC Permission etc.
- (iv) In case of Hybrid/overhead network, where underground cable is laid (other than feeder cable at Send), the actual cost of underground cable along with underground cable components is to be recovered from the applicant.

(c) There are so many points in the distribution licensee circular which is not authorised by GERC order in petition No.1829 or in opposition to even its representation during the petition.

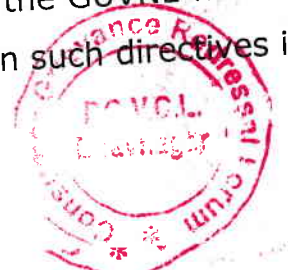
(I) As per Point No.1.15 of the order, the petitioner GUVNL, proposed that the normative cost of the feeder is inclusive of all cost of the feeder including UG Cable at SS End its termination kit.

In the estimate issued to us the cost of the UG cable at SS end (0.08 meter) cost of cable box and GI pipe charges are collected separately which is not allowed as per GERC order and even distribution licensee's related circular.

(II) In point No.1.19 of the order, it is mentioned that petitioner proposes to recover actual cost from the prospective consumer, if consumer request for dedicated feeder even though the proposed load can be catered from existing network/by upgrading existing network.

While in the circular issued by the licensee in Point No.11 it is said that in view of the increasing right of way (ROW) and way leave related issues, separate feeder shall not be permitted to consumer.

This is summer Sault jump from the actual petition filed by the GUVNL with PGVCL as Co-petitioner. The Hon'ble Commission has also not given such directives in its



order. Just for financial benefit of the distribution Company such legally unauthorized issues are incorporated in the circular.

(III) In point No.11.8 of the Hon'ble Commission's order in Petition No.1829, Hon'ble Commission has also allowed DISCOMs to continue with the recovery of actual expenditure over and above per KVA based charges **only** in case of (a) Overhead HT network of 11/22 KV above 5.5 KM for additional network greater than 5.5 KM (b) Railway Crossing (c) Highway Crossing.

The GERC order has not mentioned that in case of Hybrid network, over and above the per KVA based charge other charges as mentioned in PGVCL Circular are required to be paid by the applicant for new connection.

(IV) As per point No.1.18 (vi) of the order, the petitioner proposed that as severe ROW issues are faced in a field while erecting new lines, independent or express feeder will not be permitted less than and up to 2000 KVA power demand.

In order of GERC the request is not endorsed but now the PGVCL circular dtd.21.07.2020 in its points No.11 stated that in view of the increasing right of way (ROW) and way leave related issues, separate feeder shall not be permitted to consumer.

In the GERC order of GERC supply code no such power is granted to the licensee for allowing or not allowing separate feeder as per whims and wishes of the distribution licensee.

(v) As per point No.13, option II as per GERC supply code is now not permitted by the distribution licensee PGVCL. This is also illegal order by distribution licensee against GERC supply code 2015.

(d) The Hon'ble Ombudsman stated in his order in case No.67 of 2020 M/S Steel biz Industries V/S Executive Engineer Bhavnagar (Rural) PGVCL that,

4.8 On observation of above, it is a case wherein for catering a 4000 KVA contract demand of the appellant, a new 11 KV separate circuit has been proposed by the respondent from 66 KV substation with a total length is of about 2.0 KM and proposed hybrid networks and thereby raised an estimate of per KVA charges as approved by the GERC. In this case, it is a request of the appellant to lay underground cable network which is technically feasible to cater a 4000 KVA load of the appellant tapping from 66 KV substation. Respondent has also





accepted the contention before GERC in the petition No.1829 of 2019 that for laying of underground cable networks. Prevailing practise as per provisions of related regulations will be followed i.e. actual cost of recovery for underground cabling. Hence, respondent is directed to proposed the new 11 KV underground feeder tapping from the 66 KV substation and prepare the estimate based on the actual work requirement. Action taken report as per directive are to be reported within 30 days to this office.

We had also asked for underground 11 KV feeder for our connection as we are eligible for the same. Our unit is in vicinity of the appellant of the above case M/S. Steel biz industries. Our request for 11 KV underground feeder was also denied by the respondent as denied to M/S Steel biz Industries.

As our Plant Commissioning was at advance stage with huge liability from financial institute, we are left with no choice except to buckle under undue and illegal decision by the respondent for not to grant our 4000 KVA contract demand by an 11 KV underground feeder.

e) It is very clear that, the distribution licensee PGVCL has added many conditions in the circular which are not part of the GERC order, just to have financial benefit for the company at the cost of consumer/applicant of power.

Earlier when the service line cost is to be recovered by the licensee at as per actual cost. A directive was issued by the same licensee that as far as possible the connection should **not** be granted from existing network and new feeder should be proposed.

The distribution licensee PGVCL has added unofficial and illegal clauses in the circular with sole intention of abstracting maximum amount from the consumer.

f) Normally, it is argued that now connection is already released, no more change in service line can be made. From the above mentioned arguments and order of Hon'ble Ombudsman it can be concluded that denial of UG feeder to us was an illegal action and violation of GERC order. To save the common consumers from the loss occurred for erection and dismantling of overhead line, by way of ARR, we confirmed to make payment of erection dismantling of overhead line already erected to cater power to our unit as per PGVCL cost data.



g) For sustainable power and to avoid accident in future, we request Hon'ble forum to allow us power by an underground 11 KV feeder. We hereby undertake that the we are ready to make payment of the erection and dismantling cost of the present arrangement of 11 KV overhead line already erected for providing power supply to us and for laying of new 11 KV underground cable feeder catering power supply to our connection.

**Prayer :**

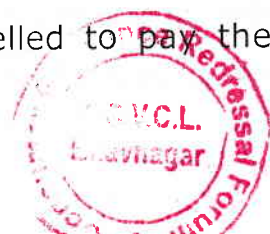
- (1) The Hon'ble Forum is requested to direct the respondent to cancel part of our estimated 29.01.2021 for service line part and the amount paid as per fix charges per KVA should be refunded.
- (2) A new estimate for providing underground cable 11 KV feeder should be issued as per present cost data and earlier practise as per GERC order.
- (3) The cost of erection and dismantling of overhead line should be recovered from us as per cost data.
- (4) The difference between refund of estimate and underground cable charge plus overhead line erection and dismantling charge should be credited in to our account.
- (5) Any other relief, Hon'ble Forum deemed fit to be granted.

**Representation -2 on dtd.30.11.2021.**

We are further to response filed by the respondent, the Executive Engineer (Rural), PGVCL, Bhavnagar dtd.16.11.2021 handed over to us during the hearing on 25.11.2021.

The points to be considered by the Hon'ble Forum is listed below.

- (1) As per GERC order in petition No.1829 of 2020, is there any restriction in giving connection by UG Cable when asked by an applicant for HT industrial connection.
- (2) It is fact that the consumer can have details of line charges only after receiving estimate. We had immediately filed the protest but as no reply is received we were compelled to pay the estimate. Our legal right to protest remain intact.



- (3) The Ombudsman order in case No.67 of 2020 has got limited effect to the particular case only or it can be taken as a guideline to the similar matter. Please note that the contrast demand and adjoining area is same in both the cases.
- (4) In the PGVCL Circular No.5969, the condition regarding UG cable is satisfied in our case and for the purpose sufficient data is available with the respondent regarding Nos. of UG feeder erected in the area in last 5 years. Please get the data and confirm the condition of PGVCL Circular No.5969.
- (5) In case the request to provide UG Cable is as per rule and the respondent has breach the condition of GERC order than if the applicant is ready to bear the cost of installment and dismantle of OH line and erection of UG cable than the request of refund of fix cost is legally correct or not.
- (6) Just because the connection is released, the legal right of consumer/applicant can be violated and he should allow to suffer due to misdeed of the respondent.

Considering all above points and points represented in our application and GERC and Ombudsman order related to our case, Hon'ble Forum is requested to consider our prayer of refunding the fix charges in our case and allow UG Cable service line and remove OH service line as per related law and GERC order.

☞ प्रतिवादीश्रीनी रजुआत:- तेमनी रजुआत छे के.

The brief of representation registered against the forum vide case No. 40/21-22 :

- Applicant - M/S. Nyalkaran Steel Industries applied for HT New connection - 4000 KVA of survey No.247 PI/PI Village : Maglana, Tal : Sihor, Regd. vide SR No.13383791 dtd.28.12.2020.
- Application has been processed as per PGVCL Circular No. PGVCL/Comm/5969 dtd.21.07.2020.
- Proposal was submitted to competent authority and approved vide approval No.BZ/Tech-2/DE(T-4)/362 dtd.29.01.2021.



- Estimate was issued vide letter No.EE/PGVCL/HT/Esti/649 dtd.29.01.2021.
- M/S. Nyalkaran Steel Industries has submitted this representation to : CE, BVN, ZO requesting to section power with underground cable on dtd.03.02.2021, inward on dtd.04.02.2021.
- Proposal for new connection with overhead line was already approved and accordingly the estimate was issued, such given estimate was already on dtd.04.02.2021 & Agreement was also carried out by applicant on same day i.e. dtd.04.02.2021.

Against the submission, reply from PGVCL side is as below.

- a) Mention some points of petition No.1829
- b) Details of PGVCL Circular No.5969 dtd.21.07.2020 reproduced.
- c) Points in petition No.1829

(i) Point No.1.15 narrated is part of proposal.

However, it is to be clarify that 0.06 meter cable to be utilized at SS end is not taken in estimate. But, 0.08 meter cable taken in estimate is to be utilized near main gate of applicant premises before CTPT unit. The said UG cable and its components cost is taken in estimate as per point No.9 & 13 of Circular No.5969 dtd.21.07.2020.

(ii) Point No.1.19 narrated is part of proposal.

(iii) UG Cable and its components cost is taken in estimate as per point No.9 & 13 of Circular No.5969 dtd.21.07.2020

(iv) Point No.1.18(iv) narrated is part of proposal. Although, separate feeder has been permitted in this case.

(v) N.A.

d) Hon'ble Ombudsman in case No.67 of 2020, order to be implemented for such individual case. In that case, estimate was not paid. In this case of M/S. Nyalkaran Steel Industries 11 KV feeder work has been completed and connection has been released on dtd.16.02.2021.

e) Illogical arguments.

f) Application has been processed in line as per GERC Notification 3 of 2020 and order in petition No.1829 and as per Circular





No.5969 dtd.21.07.2020, and hence having no any changes needed.

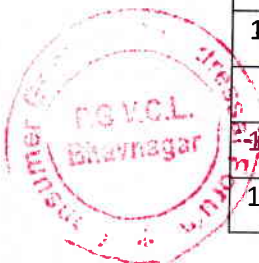
- g)** For sustainable power for the feeder M/S. Nyalkaram Steel Industries, Interruption data, sheet is attached separately, which already certify that feeder is having list interruption and also in the taukte cyclone feeder was in running condition.

**Our Prayer :**

Considering the facts and GERC Notification 3 of 2020 and order in petition No.1829 and as per Circular No.5969 dtd.21.07.2020 procedure carried out for release of connection to applicant M/S. Nyalkaran Steel Industries is in order.

**Interruption details of 11 KV Nyalkaran Steel feeder from March-2021 to Sept-2021.**

Sr No	Start	End	INT Type	Reason	HH-MM-SS
1	20-Mar-2021 12:16:25 pm	20-Mar-2021 12:21:48 pm	TT	66 Tripping	00:05:23
2	24-Mar-2021 02:55:49 pm	24-Mar-2021 02:56:45 pm	TT	66 Tripping	00:00:56
3	29-Mar-2021 08:22:23 pm	29-Mar-2021 08:42:30 pm			00:20:07
	March	3			00:26:26
4	02-Apr-2021 08:50:44 am	02-Apr-2021 01:37:07 am	LC	SS Outage	04:46:23
5	27-Apr-2021 08:10:07 pm	27-Apr-2021 08:38:23 pm	SS DARK		00:28:16
	April	2			05:14:39
6	03-May-2021 11:45:52 am	03-May-2021 11:59:50 am			00:13:58
7	18-May-2021 02:43:24 pm	18-May-2021 06:12:48 pm		Taukte SS In dark	03:29:24
8	30-May-2021 08:47:52 pm	30-May-2021 09:24:45 pm			00:36:53
	May	3			04:20:15
9	09-Jun-2021 01:57:52 pm	09-Jan-2021 02:00:58 pm	TT	66 Tripping	00:03:06
10	18-Jun-2021 02:38:30 pm	18-Jan-2021 02:44:10 pm			00:05:40
	June	2			00:08:46
11	23-Jul-2021 10:13:19 am	23-Jul-2021 12:59:34 am	LC	SS Outage	02:46:15
12	25-Jul-2021 12:11:16 pm	25-Jul-2021 12:17:17 pm	TT	66 Tripping	00:06:01
	July	2			02:52:16
13	13-Aug-2021 09:12:03 am	13-Aug-2021 11:36:14 am	LC	SS Outage	02:24:11
14	16-Aug-2021 12:08:29 pm	16-Aug-2021 12:41:56 pm			00:33:27



15	17-Aug-2021 12:58:51 am	17-Apr-2021 01:11:14 am			00:12:23
	August	3			03:10:01
16	18-Sept-2021 01:28:53 am	18-Sept-2021 01:50:26am	TT	11 KV Tripping R- Phase over current	00:21:33
17	18-Sept-2021 01:52:46 am	18-Sept-2021 01:58:23 am	TT	11 KV Tripping R- Phase over current	00:05:37
	Sept	2			00:27:10



## 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 Nyalkaran Steel Industries is HT consumer bearing consumer number 24164 of 4000 KVA under HTP IV tariff at village Mangalana, Tal: Shihor. Complainer is EHT consumer of Respondent PGVCL and caters power supply from 66 KV Mangalana substation.
- 3.2 Complainer had registered application for new HT power supply to Respondent's office on 28.12.2020. Respondent issued estimate for 4000 KVA on 29.1.2021 which was paid by Complainer on 3.2.2021. After completion of requisite formalities, Respondent released connection on 16.02.2021.
- 3.3 Respondent processed Complainer's new HT application and issued estimate for overhead line on 'per KVA based charges' (fix charge per KVA).
- 3.4 Complainer, in his representation, has represented that for reliable and sustainable power supply, they had requested Complainer to consider underground cable instead of overhead line and that they were ready to make payment for underground cable. Complainer had also given a written request dated 3.2.21 for catering power supply through underground cable system.
- 3.5 Complainer has submitted GERC Ombudsman's order in case No. 67/2020 of M/s Steel Biz Industries V/s Executive engineer PGVCL, Bhavanagar wherein Ombudsman has directed Respondent to propose new 11 KV underground feeder and prepare the estimate based on the actual work requirement.  
Forum has gone through the above referred order of Ombudsman. This order should not be seen as general guideline for future case. Ombudsman Order has limited effect to the extent of case No. 67/2020. In the case No. 67/2020, the overhead line work of Steel Biz Industries was pending and connection was not released, while in the instant case estimate has been paid by Complainer, work of overhead line has been completed and connection has been released by Respondent.  
Complainer has represented that their unit is in vicinity of Steel Biz Industries; however, Complainer has not given any submission to that effect.

3.6 As per GERC order dated 7.7.2020 in petition No. 1829:

1.19 **The petitioner proposes to recover actual cost from prospective consumers in the following conditions:**

(i) If consumer request for dedicated feeder even though the proposed load can be catered from existing network/by upgrading existing network.

(ii) For customised request.....

(iii)

(iv)

6.2 Further, it is submitted that at present underground cable network is very limited in the DISCOMES supply area as compared to overhead network. The proposed mechanism for recovery of charges on per KVA basis towards network cost is a



*new concept for DISCOMs. Therefore, it is requested that for initial period of 1-2 years, the Commission may consider to introduce per KVA charges initially only for overhead network and after reviewing of the experience of recovery of per KVA based charges for overhead network, the concept of per KVA based charges may be introduced for underground cable network accordingly.*

***Further, in the case, where underground cable is required, the present provision of the relevant regulation will be followed i.e. actual cost of recovery for underground cabling. (Emphasis added)***

Having read above clauses together, in the instant case, Complainer's connection is already released with overhead line work. Further, this clause does not let the prospective consumer to choose underground cable system for his (Complainer's) new connection. By this clause, applicant can request for dedicated feeder even though the proposed load can be catered from existing network. If there is technical requirement, depending upon site condition or at peculiar location, of underground cabling for new connection/additional load be proposed and actual cost of underground cabling is recovered. Respondent had issued estimate for overhead line to Complainer in line with Petition order dated 7.7.2020.

- 3.6 On the basis of Hon'ble GERC order dated 7.7.2020 in petition No. 1829 and GERC (Licensee's power to recover expenditure incurred in providing Supply and other miscellaneous charges) (Second Amendment) Regulations, 2020 (Notification 3 of 2020), Respondent's company issued general guidelines for uniform implementation of 'per KVA charges' rates/methodology vide circular No. 5969 dated 21.7.2020.

As per clause 6 of circular 5969:

6) *If normal distribution is underground and nearby feeder is also having underground network, then new connection shall be proposed with underground network only. Similarly, for extension of HT line from existing underground feeder shall be with underground cable network only and for such underground works, actual cost incurred shall be recovered as per prevailing practice.*

7) *If the HT new connection/additional load is proposed from an overhead network/feeder, the proposed HT line shall be erected overhead only. The underground cable shall be laid on those parts of the line route where erection of overhead line is technically not feasible. The actual cost of such underground part of the line with underground components shall be recovered as per actual cost incurred as per prevailing practice over and above per KVA based recovery of charges.*

- 3.7 In Commission's order in Petition 1829, there is no clause that applicant of new connection can choose underground/overhead line for his new/additional power supply demand. Respondent has released Complainer's new connection through overhead line in line with Petition order dated 7.7.2020 and circular No. 5969 dated 21.7.2020

- 3.8 In the estimate for overhead line issued to Complainer includes charges of 0.8 meter cable and its components. These charges considered in the estimate are in order.





3.9 In their representation, Complainer has mentioned some clauses of petition No. 1829 and clauses of circular No. 5969 dated 21.7.2020 issued by Respondent (PGVCL). Complainer has represented about discrepancy in circular No. 5969 between contents Petition. Respondent PGVCL has issued general guidelines on the basis of petition Order 1829 for uniform implementation of Petition order.


3.91 Considering aforesaid observations, order of petition No. 1829, contentions of both side and documents presented before Forum, it is found that Complainer has processed application for new power, issued estimate and released connection of Respondent (Nyalkaran Steel Industries) in accordance with GERC Regulation clause 5(iii) and (iv) of Notification of 3/2020 and Commission's Petition Order No. 1829.


3.92 Complainer's representation for underground cabling for their 4000 KVA HT connection No. 24164 is not accepted.


**ORDER :** As per Para 3.92 above

--:: હુકમ ::--

- વાદીની રજુઆત, પ્રતિવાદીની રજુઆત તેમજ ફોરમ સમક્ષ રજુ થયેલ દસ્તાવેજી પુરાવા અને ઉપરના તારણો પરથી તારણ નં " 3.૯૨" 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 જી.એમ.મહેતા)  
સ્વતંત્ર સભ્યશ્રી

  
(એ.એ.જાડેજા)  
ટેકનીકલ સભ્યશ્રી

  
(એમ. આર.વજરીયા)  
અધ્યક્ષશ્રી,

તારીખ :- ૨૫/૧૧/૨૦૨૧.



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