

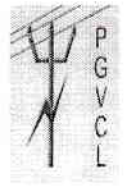
# પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

## ગ્રાહક તકરાર નિવારણ ફોરમ

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

CIN : U40102GJ2003SGC042908

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ક્રમાંક: બીઝેડ/ફોરમ/રીવ્યુ-૭૮/૨૨-૨૩/ 1438

તારીખ: 19 OCT 2023

આર.પી.એ.ડી.

પ્રતિ,  
મે.મધુ સીલીકા પ્રા.લી.,  
૧૪૭, જીઆઈડીસી,  
વરતેજ,  
ભાવનગર.

કેસ નં. ૭૮/૨૨-૨૩

મો.નં-૦૨૭૮ ૨૫૪૧૮૬૬/૨૫૪૦૮૦૦

વિષય : સોલાર અને વિન્ડ સેટ ઓફ નું રીફંડ આપવા, અંગેના ચુકાદા સામે રીવ્યુ અરજી અંગે.

સંદર્ભ : (૧) આપનો પત્ર તા.૦૩/૦૮/૨૦૨૩, તથા ૦૪.૦૮.૨૦૨૩.

(૨) અત્રેની કચેરીનો પત્ર નં. બીઝેડ/ફોરમ/૭૮/૨૨-૨૩/૧૨૧૬ તા. ૧૫.૦૭.૨૦૨૩.

**જાહેરાત**

શ્રીમાન,

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

રીવ્યુ એપીલેશનની રજુઆતના સંદર્ભમાં આપશ્રીને ફોરમ સમક્ષ તા. ૨૨/૦૮/૨૦૨૩ નાં રોજ સાંભળવામાં આવેલ.

જેના સંદર્ભમાં ગ્રાહક ફરિયાદ નિવારણ ફોરમ દ્વારા આપવામાં આવેલ ચુકાદો આ સાથે સામેલ છે.

આપશ્રીની જાણ સારૂ.

*Handwritten signature*

કન્વીનર,

ગ્રાહક ફરિયાદ નિવારણ ફોરમ

પીજીવીસીએલ., ઝોનલ કચેરી ભાવનગર.

☐ બિડાણ:- ઉપર મુજબ.

પ્રતિ: કાર્યપાલક ઈજનેરશ્રી,

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

શહેર વિભાગીય કચેરી-૨, 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, વર્તુળ કચેરી, ભાવનગર.

...આપની જાણ તથા જરૂરી કાર્યવાહી અર્થે.



(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 - ૭૮/૨૨-૨૩

વાદી :- મે.મધુ સીલીકા પ્રા.લી.,

◇ વિરુદ્ધ ◇

પ્રતિવાદી :- પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

◇ રજૂઆતની તારીખ:- તા.૨૨/૦૮/૨૦૨૩ ◇

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

પ્રતિવાદી :- શ્રી એસ.ટી.ગુજરાતી, નાયબ ઈજનેર, શહેર વિભાગીય કચેરી-૨, ભાવનગર.  
(પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ વતી)

મે.મધુ સીલીકા પ્રા.લી. મું.વરતેજ, જી. ભાવનગરની સોલાર અને વિન્ડ સેટ ઓફ નું રીફંડ આપવા બાબતની રજૂઆત કન્વીનરશ્રી, ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગરને મળતાં, ફોરમે તેનાં ફરીયાદ રજીસ્ટરમાં ક્રમાંક : ૭૮/૨૨-૨૩ થી નોંધી, આપવામાં આવેલ ચુકાદા પત્ર ન. ૧૧૩૪ તા. ૧૫.૦૭.૨૩ સામે રીવ્યુ અરજી તા. ૦૩.૦૮.૨૦૨૩ થી કરેલ જે અંગે, ફોરમે વાદીશ્રી ને તેમની ફરિયાદ બારામાં લેખિત / મૌખિક રજૂઆત કરવા તા.૨૨/૦૮/૨૦૨૩ ના રોજ ઉપસ્થિત રહેવા જણાવેલ. જેમાં, વાદી મે.મધુ સીલીકા પ્રા.લી. વતી તેમના અધિકૃત પ્રતિનિધિ શ્રી વી.એલ.શાહ હાજર રહેલ તથા પ્રતિવાદી તરફે શ્રી એસ.ટી.ગુજરાતી, નાયબ ઈજનેર, શહેર વિભાગીય કચેરી-૨, ભાવનગર ઉપસ્થિત રહેલ.

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

### **Review Representation - dtd.03.08.2023 :**

We are filling this review application as per regulation 2.64 as per GERC Notification No.2 of 2019 which is reproduced below.

2.64 Any person may file an application for review of order before the forum, on grounds of discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent on the face of the record, within thirty (30) days of the date of the order, as the case may be.



The ground for our application is a mistake or error apparent on the face of the record. So there is no need of submitting a new and important submission or any argument which is not produced by us at the time of argument.

a) Regulation 2.49 states that,

After the completion of the proceedings, the forum shall issue an order to the distribution licensee directing it to do one or more of the following in a time bound manner, namely:

i. To remove the cause of complaint/Grievance in question.

In the subject matter following were the cause of the complaint against the respondent.

1) Peak hour charges are not to be collected on solar generation.

2) Grievance against reduction in night hour benefit proportionate to solar generation.

3) 2% banking charges collected on 1.5 MW (2 x 0.750 KW) WTGs at Dhudasiya wind farm.

4) Wheeling charge at the rate of Rs.0.09135 on 228349 units total Rs.20860.00

(Point No. (i) of further representation dtd.08.12.2022.)

b) The Order if the Hon'ble Forum is reproduced below.

From the above, Forum concludes as under.

### 3.3 Peak hour (TOU) Charges

a. TOU Charges are already proportionately charged for wind generations.

b. The 4.5 MW and 0.675 MW solar generators, which are installed under solar power policy, 2015 are given set off on billing cycle basis. In the policy as well as in the agreement, it is clarified that peak hour charges shall be applicable on entire consumption during peak hours & hence, current calculation methodology of respondent is proper.

c. In case of 10 MW solar generators installed under RPO regime of solar power policy, 2021.

The setoff is given in 15 minute time block & peak hour charges are not mentioned as in the earlier policy. In this regard, forum directs respondents to follow the power purchase agreement & revise the setoff calculation.

3.4 No order is passed on current calculation methodology of adjusting night units.

3.5 2% banking charges levied by respondent is as per the wind tariff order 2 of 2016.



However, the Dhudasiya WTG was commissioned prior to the said tariff order & hence the 2% banking charges are not applicable & should be refunded.

3.6 No order is passed on interest on refund amount.

- c) As per 3.3 a) the wind generators are getting proportionate rebate.
- d) As per 3.3 b) 4.5 MW and 0.675 MW solar generators are liable to pay pick hour charges for the units generated during peak hours as per solar policy 2015 and also in line with wheeling PPA executed between applicant and respondent.
- e) As per 3.3 c) for the 10 MW solar generator, no peak hour charges should be collected for power generated during peak hours. Since the beginning the bills should be revised as per order and a refund should be granted for all bills where the same is not granted. In future bills, the peak hour charges should not be collected on peak hour generation.
- f) As per 3.4 no order is passed in the case of the current methodology of night units.
- g) As per 3.5, no banking charge is applicable on Dhudasiya WTG generation, and all the bills where a 2% banking charge is collected in the past should be revised by giving credit of the wrongly deducted banking units and refunding the amount in our bill. 2% banking charge should not be deducted in future bills.
- h) As per 3.6 no interest should be granted on the refund amount.
- i) As per the above order, two points regarding peak hour charges in solar and 2% banking charges are resolved but the points regarding adjustment of solar generation in night hours and wheeling charges are not attended in the subject order.
- j) This is an error on the face of the record as Regulation 2.49 (i) Clearly states that after the completion of the proceedings, the Forum shall issue an order to the Distribution Licensee directing it to remove the cause of the Complaint/Grievance in question.
- K) We are filling this review application ONLY against the non-resolution of two points raised by us in the order 15.07.2023 on the ground of a mistake or error on the face of record as the regulation 2.49 of GERC (CGRF & Ombudsman) Regulation 2019 is violated by the subject order.



## GROUND FOR ORDER.

1. Our solar power generators of 4.5 MW and 0.675 MW were erected under Gujarat Solar Power policy-2015.

The related part of the policy is reproduced below for a ready reference of the Hon"ble Forum and annexed as Re Annexure 1

9.2 Solar projects Far Captive Consumption  
Energy Accounting

If not registered under REC Mechanism

(i) Case I: If the consumer does not take the renewable attribute of Solar Energy for meeting its RPO, banking of the energy shall be allowed within the consumers billing cycle, wherein set-off may be given during billing cycle. However, peak charges shall be applicable for consumption during peak hours.

As per the above provision of Gujarat Solar Power Policy, 2015 only peak hour charges are to be collected. There is no mention of a night rebate in the solar policy of 2015.

If we come to the practical aspect, it is technically not possible to generate a single unit of solar power between 10.00 PM to 6.00 AM which is the time for rebate under night tariff.

As there is no provision for especially for night hours in solar policy 2015 the concessional tariff should be granted on power supplied by the respondent PGVCL.

Considering the above legal and practical aspects of the matter there is no legal support for prorated reduction in concessional power consumed in night hours fully supplied by the respondent.

II. Regarding solar generation with RPO attribute, the order of the Hon"ble Forum is very clear that as setoff is given in 15 minutes time block, and nothing is mentioned about peak hour charges in the policy as well as Wheeling agreement. There is no question of any collection/refund of charges. The consumption during peak hours supplied by the respondent PGVCL should be charged with peak hour charges every 15 minutes time block. Similarly, the night tariff concession should be granted only on the power supplied by the respondent PGVCL. If total power during night concessional hours 10.00 PM to



06.00 AM is supplied by the respondent PGVCL then the concession should be granted on total power supplied during night hours.

III. The pro-rate solar consumption generated during the night hours between 10.00 PM to 06.00 AM is an absurd proposal as neither a single unit can be generated during that period by a solar generator and at the same time there is no provision for such pro-rata calculation in Gujarat Solar Power Policy 2015 and 2021. Considering the above, the night power concession should be applied to the total power used during night hours as the same is supplied by the respondent PGVCL only.

IV. As per GERC ( Terms and Conditions of Regulation of Intra-state Open Access) Regulation 2011, Notification 3 of 2011, Regulation 23,

#### 23. Wheeling Charges:

Wheeling charges payable to distribution licensee, by an open access customer for usage of its system shall be as determined by the commission in the tariff order from time to time;

As per the said regulation, the wheeling charge is applicable only if the Distribution System is used by an Open Access Customer. The applicant is an EHV Consumer receiving power at 66 KV Voltage level. The Distribution system is not used by the applicant, eliminating the possibility of imposing a wheeling charge on the applicant.

#### **PRAYER**

The Hon'ble Forum is Prayed.

- a) To direct the respondent to give full credit for the night concession without any pro-rata reduction of solar generation.
- b) To direct the respondent to remove wheeling charges from the calculation
- c) To direct the respondent to give credit for peak hour charges in the 10 MW solar generation plant under the RPO category.
- d) To direct the respondent to credit a 2% banking charge for Dhudasiya WTG.
- e) To early direct to the respondent that the order is granted considering the September 2022 bill but the bills should be modified for similar mistakes in all the bills to date from the date of initiation of the mistake.



- f) Please give the effect of the solar night concession to all our group companies as per the order.
- g) To give any other concession deemed fit to the Hon'ble Forum.

**Review Representation – dtd.04.08.2023 :**

We are submitting herewith some documents supporting our argument regarding the total night hour benefit that should be available with respect to solar generation.

One calculation is from a company having a third party purchase in PGVCL. The second one is captive power generation credit calculation from PGVCL. While the third one is captive solar power generation credit in UGVCL. In all 3 cases, the total night benefit is granted in the revised calculation of the bill.

When the night benefit credit is granted fully in connection with the same distribution licensee, the same should be granted to all consumers as per the law of natural justice. The same benefit is granted by other distribution licensee of Gujarat state confirming the legality of the matter.

Statement showing the details of		M/S Italica Granito Pvt Ltd			
From 01.12.2022 to 31.12.2022					
Conn	33265				
Sr. No	Charges	Billed	To be Billed	Only Solar Bill Sun bright	
1	Unit	2143350	2087907	55443	C D 4000
2	Night Unit	698250	674775	23475	
3	Peak Unit	719900	719900	0	
4	Demand Charge	1548300	1548300	0.00	85% 3400
5	Energy Charge	9216405	8977998.59	238406.41	Billing 3828
6	Night Rebate	-300247.50	-300247.50	0.00	
7	FCA	5572710	5428557.29	144152.71	PGVCL 3827
8	PF Rebate	-221193.72	-215471.97	-5721.75	DIFF
9	EHV Rebate	0.00	0.00	0.00	
10	Time of Use	611915	611915	0.00	
11	Board Charge	16427888.78	16051051.41	376837.37	
12	E Duty	2464183.35	2407657.75	56525.60	
13	Meter Charge	0.00	0.00	0.00	
	Total	18892072.13	18458709.16	433362.97	



					Dec-22	
14	Total Credit	<b>433362.97</b>		Energy Scheduled	<b>61604</b>	
15	Less Cross Subsidiary Charge Per Drawan KWH 1.50/5	-41582.51		T R Loss 0%	0	
16	Less Wheeling Charge Per Scheduled KWH 0.1827 (100% applicable)	-11255		Wheeling Loss 10%	-6160	
17	Other Surcharge on Drawn KWH 05 Paisa	-8593.72				
18	<b>Net Credit</b>	<b>371931.74</b>	Net Energy Unit as Consumer end	<b>55444</b>	0	315406.14

### Solar Adjustment Calculation Sheet

Consumer No.33222 Consumer Name, Gujarat Ambuja Exports Ltd. B.C.1.50

Adjustment Period: 15.8.2022 to 14.09.2022

Solar Generation 3036

Present KWH

Particular	Billed			Solar			Difference	
	Rate	KWH	Amount	Particular	KWH	Amount	KWH	Amount
Total KWH		85995	1639812.72					
Peak HR KWH		31605						
Lean KWH		21330						
Night HR KWH		33060						
Billing Demand		2329						
Excess Demand		0						





Average PF		0.993						
Demand Charges			836275					836275
Energy Charges	4.20	85995	361179	Energy Charges	9192	38606.40	76803	322572.6
Less: N/H Rebate	0.43	33060	14215.80				33060	14215.80
Net Energy Charges			346963.20	Net Energy Charges		38606.40		308356.8
Fuel Charges	2.60	85995	223587	Fuel Charges	9192	23899.20	76803	199687.8
PF Rebate	2.15		-7765.35	PF Rebate		-830.04		-6935.31
EHV Rebate			0.00					
Time of Use Charges	0.85	31605	26864.25				31605	26864.25
Total Consumption			1425924.10	Total Consumption		61675.56		1364248.54
ED Rate 15%	15%	1425924.1	213888.62	ED Rate 0% Due to Wind Farm				213888.62
Total Bill Amount			1639812.72	Total Bill Amount		61675.56		1578137.15

Debit Charges as per Technical		Credit Charges as per		Export Unit Charges		
Banking Charge	80446.50	Surplus Unit Amount	106580	Total Credit Unit	9192	
			(47369*2.25)	Credit Board Charge		61675.56
				Electricity Duty		0.00
Total Debit Amount	80446.50	Total Credit Amount	106580	Total Credit Amount		61675.56
Net Debit(+)/Credit(-) Amount					-87809.06	



Statement showing the details of		<b>M/S LAMZON GRANITO LLP.</b>		
From 01.11.2022 to 30.11.2022		Survey No.67/1, At.Ratavirada, Ta.wankaner		
Conn	33259	Ratavirada		
Sr No	Charges	Billed	To be Billed	Only Solar Bill (CPP)
1	Unit	1943600	1411283	532317
2	Night Unit	680000	680000	0
3	Peak Unit	620400	620400	0
4	Demand Charge	1476075	1476075	0.00
5	Energy Charge	8357480	6068515.14	2288964.86
6	Night Rebate	-292400	-292400	0.00
7	FCA	5053360	3669334.73	1384025.27
8	PF Rebate	-208937	-151712.88	-57224.12
9	EHV Rebate	0.00	0.00	0.00
10	Time of Use	527340	527340	0.00
11	Board Charge	14912918	11297152	3615766
12	E Duty	1168511.07	1168511.07	0.00
13	Meter Charge	0.00	0.00	0.00
	<b>Total Bill</b>	<b>16081429.07</b>	<b>12465663.07</b>	<b>3615766</b>

Month Nov-22  
C D  
85%  
Billing  
PGVCL  
DIFF  
0.00

				Nov-22	
14	Total Credit	3615766	Energy Scheduled	602950	
15	Less Cross Subsidiary Charge Per Drawan KWH 1.48		T R Loss 0%	0	
16	Less Wheeling Charge Per Scheduled KWH 0.1827	-110158.07	Wheeling Loss 10%	-60295	
17	Other Banking Charge of 1.10	-585549.15			
18	Net Credit	2920057.88	Net Energy Unit as Consumer end	542655	0



## **RESPONDENT PGVCL REPRESENTATION :**

**The respondent PGVCL has made oral submission during the hearing on dt. 22.08.23.**

### **FORUM'S FINDINGS :**

From the review application, relevant documents and verbal representation Forum comes to the following condition.

3.1 The applicant M/s Madhu Silica Pvt. Ltd. – Vartej has preferred for review application for the CGRF Order No 1134 dtd 15.07.23 in the Case No. 79/22-23.

3.2 The forum has carefully gone thru the review application and also examine the grounds of appeal and decided to allow review application of applicants, and order as under.:

- A) The respondent is directed to give full credit for the night concession without any pro-rata reduction of Solar generation, also directed to remove wheeling charges from the calculation..
- B) Respondent has to give credit for peak hour charges in the 10 MW solar generation plant under the RPO category.
- C) Since the order is granted considering the Septemeber – 2022 bill but bill should be modified for similar mistakes in all the bills to date from the date of intiation of the mistake, and similar practice should be adopted for the solar night concession to all the other companies in line with this order.
- D) Regarding 2% banking charges to be given credit, it is already ordered by forum in order NO. 1134 dtd.15.07.23, to credit 2% banking charge for Dhudasiya WTG.

The respondent PGVCL is directed to make the implementation of the order within 15 days and inform to forum.



**: Order :**

- Keeping the representation, produced documents and from the above finding forum orders as per 3.2.
- If any dissatisfaction against this review order, applicant may appeal to Electricity Ombudsman Office, Jila Seva Sadan-3, 3<sup>rd</sup> floor, Blok No. - 1, Govt. Press Road, Rajkot- 360 001 , within 30 days from receipt of this order.



( Smt. J.M. Maheta)  
Independent Member

**Absent**

( J.A. Gosai)  
Tech. Member



( N.C. Makvana)  
Chirman

Consumer Grievance Red. Forum,  
P.G.V.C.L. , Bhavnagar.

**Date : 22.08.2023**

