

ગ્રાહક ફરીયાદ નિવારણ ફોરમ, જુનાગઢ

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

સર્કલ ઓફીસ, જુના પાવર હાઉસ કમ્પાઉન્ડ, આઝાદ ચોક, એમ.જી.રોડ, જુનાગઢ - ૩૬૨૦૦૧
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પીજીવીસીએલ/સીજીઆરએફ/૧૪/કવા-૦૪/૨૦૧૯-૨૦/૬૬

તા.૧૦.૦૨.૨૦૨૧

૨૦૦૩ના ભારતીય વીજળી અધિનિયમની કલમ નં. ૪૨(૫) તેમજ ગુજરાત વિદ્યુત નિયંત્રક આયોગ (ગ્રાહક ફરીયાદ નિવારણ ફોરમ અને લોકપાલ) અગાઉના નોટીફિકેશન નં. ૦૨/૨૦૧૧ હેઠળ રચાયેલ તેમજ પ્રવર્તમાન નોટીફિકેશન નં. ૦૨/૨૦૧૯ મુજબના ગ્રાહક ફરીયાદ નિવારણ ફોરમ (CGRF) પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ જુનાગઢના ચેરમેન સમક્ષ નોંધાયેલ ફરીયાદ.

No. PG - ૧૪/કવા-૦૪/૨૦૧૯-૨૦

અરજદાર: શ્રી ગ્રાસીમ ઈન્ડ.લી.ઇન્ડિયન રેયોન યુનિટ ગામ - વેરાવળ
સબડીવીઝન: જીઆઈડીસી - વેરાવળ

:: વિરુદ્ધ ::

સામાવાળા: કાર્યક્ષેત્ર: કાર્યપાલક ઈજનેર પીજીવીસીએલ વિભાગીય કચેરી વેરાવળ

:: ફોરમ ::

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| ૧) ચેરપર્સન | : શ્રી બી.પી.બુચ |
| ૨) મેમ્બર સ્વતંત્ર | : શ્રી એન.એસ.પંડ્યા |
| ૩) મેમ્બર ટેકનીકલ | : શ્રી કે.વી.ભટ્ટ |

સુનાવણી સ્થળ- પીજીવીસીએલ, વિભાગીય કચેરી, વેરાવળ

તારીખ: ગુરુવાર (૨૮.૦૧.૨૦૨૧)

૧.૦ સદર કેસની સુનાવણી તા. ૨૮.૦૧.૨૦૨૧ (ગુરુવાર) નાં રોજ રાખવામાં આવેલ હતી.જેમાં ઉપર મુજબ બને પક્ષકારો હાજર રહેલ હતા.

:: અરજદારની રજૂઆત ::

૨.૦ અરજદારશ્રી રજૂઆતમાં જણાવે છે કે,

Applicant's company registered under Company's act engaged in manufacturing of Viscose Filament Yarn, Chemical and other allied chemical and having our plant situated at Junagadh Road, Veraval-362266. We are EHT consumer with PGVCL Veraval (O&M) division having connection No. 21401 and contract demand of 14000 KVA under HTP1 tariff.

Applicant 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 traded power under bilateral agreement or from Energy exchange.

On scrutiny of bills by own 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. For example, we are representing a model case regarding billing for the month of June 2019.

Fact of the matter

- 1) As per Indian electricity Act 2003 section 42 (2), the distribution licensee 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 above-mentioned notification

In case of deviation by Open Access Customer who is also a consumer of distribution licensee, 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.
- 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. (O&M), PGVCL, Veraval has directly 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) 4) In many cases the demand supplied from the PGVCL is less than the actual maximum demand. In all such cases, the bill is submitted with actual maximum demand as billing demand. In fact, the billing demand should be maximum demand recorded for the power supplied by PGVCL only. This in violation of GERC Regulations for open access notification 3 of 2011.

- 5) For example, we are providing bill for month of June 2019 (Enclosure 2). As per bill the maximum demand recorded and billed is 13680 KVA (contract Demand is 14000 KVA). While scrutinizing the data sheet (Enclosure 3) for the same month, it is found that the maximum demand recorded for energy drawn from PGVCL is 10556 KVA only.

Now as per tariff order for FY 2019-20, minimum demand charge should be 85 of the contract demand for HT consumer, if actual demand is less than minimum demand (i.e. 85 of contract demand).

Accordingly, the billing demand should be 11900 KVA (85 of contract demand 14000 KVA) as actual demand from PGVCL is 10556 KVA which is less than 85 of contract demand 14000 KVA.

- 6) The new energy bill should be having demand charges for PGVCL maximum demand of 11900

KVA is calculated as below.

As per above calculation the refund for the month of June 2019 comes out to be Rs. 9,64,032/-. This is a sample calculation and same can be applied to similar cases where PGVCL demand is less than the actual maximum demand.

Sr. No.	Demand Charges	DMD in KVA	Rate in Rs.	Amount Rs.
A	1 st 500 KVA	500	150	75,000/-
B	2 nd 500 KVA	500	260	1,30,000/-
C	Next KVA	10900	475	51,77,500/-
D	Total Demand Charges (A+B+C)	11900		53,82,500/-
E	Total energy charges For 53,20,960 units (As per bill)			3,31,17,812/-
F	Total consumption charges without ED = (D+E)			3,85,00,312/-
	Total Consumption charge = (F/53,20,960)			7.24
G	ED for 47,02491 unit @ 7.24	3406,035	0.15	51,06,905/-
	ED for 6,18469 units	44,77,716/	0.10	447,772/-
H	Total ED			55,54,677/-
	Total revised bill for June 19 (F+H)			4,40,54,989/-
I	The bill issued for June 19			4,50,19,021/-
J	Refund amount for June 19 (J-I)			9,64,032/-

Regarding this subject, letter was sent to The Superintending Engineer P.O. PGVCL, Morbi by The Addl. Chief Engineer (R&C) Corporate office, PGVCL, Rajkot vide No. PGVCL/ R&C/11926 dated 30.12.2016 explaining that as per related GERC regulations the energy bills of Open Access Customer should be submitted considering the maximum demand as billing demand. Hon. CGRF is requested to confirm the same from the Morbi circle as billing circulars are supposed to be same for all distribution companies under GUVNL in Gujarat state.

- 7) We have requested for refund to the respondent Executive Engineer (O&M), PGVCL, Veraval (Enclosure 4) but till date no reply received from the respondent.
- The energy bill should be revised as per above cited calculation for all months from the date of starting of open access in line with GERC regulation 3 of 2011 where the maximum demand recorded for the energy supplied by respondent PGVCL is less than the actual recorded maximum demand for that particular month.
 - The difference of revised bills should be refunded with interest.
 - Any other relief the CGRF considered in the matter should be granted.

ઉપરોક્ત રજૂઆત તથા મહે. ભાવનગર સીજીઆરએફ દ્વારા આપવામાં આવેલ જજમેંટ ની નકલ રજૂ કરેલ છે. જે અરજદાર શ્રી એ લેખિત/ મૌખિક રજૂઆત કરેલ છે. અને અત્રેના ફોરમ સમક્ષ ન્યાયિક રજૂઆત કરેલ છે.

:: પી.જી.વી.સી.એલ.ની રજૂઆત ::

3.0 With reference to the above subject, the brief history of the case is as under.

Brief History:

- 1) Name of Consumer: -M/s. Grassim Ind.Ltd
- 2) Consumer No. :21401
- 3) Consumer Type: HT ,
- 4) Contracted Load: 14000 KVA. Tariff: HTP-I (Open access consumer)

The said connection issued the HT Bills as per tariff order issued by GERC time to time and said connection demand recorded in PGVCL ABT Meter. As per tariff order bill issued is in question of June-2019 is in line with related regulations. The maximum demand has been taken as per maximum demand supplied from PGVCL. As per tariff order HTP -I tariff is as under:

3.1 TARIFFS FOR SUPPLY OF ELECTRICITY AT HIGH TENSION

(3.3 KV AND ABOVE, 3-PHASE 50 HERTZ), AND EXTRA HIGH TENSION

14. RATE: HTP-I

This tariff will be applicable for supply of electricity to HT consumers contracted for 100 kVA and above for regular power supply and requiring the power supply for the purposes not specified in any other HT Categories.

14.1 DEMAND CHARGES: 14.1.1 For billing demand up to contract demand

- (a) For first 500 kVA of billing demand Rs. 150/- per kVA per month
- (b) For next 500 kVA of billing demand Rs. 260/- per kVA per month
- (c) For billing demand in excess of 1000 kVA Rs. 475/- per kVA per month

14.1.2 For Billing Demand in Excess of Contract Demand

For billing demand in excess over the contract demand

Rs. 555 per kVA per month

3.2 PLUS

14.2 ENERGY CHARGES

For entire consumption during the month

- (a) Up to 500 kVA of billing demand 400 Paise per Unit
- (b) For billing demand above 500 kVA and up to 2500 kVA 420 Paise per Unit
- (c) For billing demand above 2500 kVA 430 Paise per Unit

3.3 PLUS

14.3 TIME OF USE CHARGES:

For energy consumption during the two peak periods, viz., 0700 Hrs. to 1100 Hrs. and 1800 Hrs. to 2200 Hrs.

- (a) For Billing Demand up to 500 kVA 45 Paise per Unit
- (b) For Billing Demand above 500 kVA 85 Paise per Unit

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

14.5 MINIMUM BILLS:

Payment of “demand charges” based on kVA of billing demand.

And any other applicable charges are levied as per tariff order issued by GERC.

The bill in question issued for the month of June 2019 to M/s. Grassim Ind. Ltd. is in order and as per tariff order issued in line with Hon’ble GERC. So, there is no any necessity to revise or refund the bill as per prayer by the petitioner before CGRF in this regard.

This office has issued HT Monthly bills to the all consumer and if there is any error or query occurs proper compliance & corrective actions are taken by this office immediately to our valuable HT consumer.

:: હુકમ ::

- ૪.૦ અરજદારશ્રી દ્વારા કરેલ મૌખિક તેમજ લેખીત રજૂઆત તથા સામાંવાળાની મૌખિક રજૂઆત અને રજૂ કરાયેલ દસ્તાવેજ પુરાવાઓના આધારે ફોરમ નીચે મુજબના નિર્ણય ઉપર આવેલ છે.
- ૪.૧ સદર બાબતે અરજદારશ્રી પાસે થી કંપની ના નિયમ મુજબ ટેરીફ ઓર્ડર પ્રમાણે ઉપરોક્ત મુદા નં. ૩.૩ મુજબ હુકમ કરવામાં આવે છે.
- ૪.૨ આ મુજબ અત્રે ના ફોરમ દ્વારા હુકમ કરવામાં આવે છે.
- ૪.૩ આ સાથે અરજદારની અરજી ફેસલ કરવામાં આવે છે.

શ્રી એન.એસ.પંડ્યા
સ્વતંત્ર સભ્ય

શ્રી કે.વી.ભટ્ટ
મેમ્બર (ટેકનીકલ)

શ્રી બી.પી.બુચ
ચેરપર્સન

નોંધ:-

- (૧) અરજદાર સદર હુકમથી નારાજ હોય તો સદર હુકમ મળ્યાની તારીખથી દિન-૩૦ માં વિદ્યુત લોકપાલમાં રજૂઆત કરી શકે છે.આ સાથે વિદ્યુત લોકપાલમાં રજૂઆત કરવાની પધ્ધતિ સામેલ છે.
- (૨) ગુજરાત વિદ્યુત નિયંત્રક આયોગ (ગ્રાહક ફરિયાદ નિવારણ ફોરમ અને લોકપાલ) વિનિયમો’૨૦૧૧ જાહેરનામા નં.૨/૨૦૧૧ ની કલમ ૩.૧૭ મુજબની બધી શરતો સંતોષવામાં આવેલ હશે તો જ તેવી રજૂઆત લોકપાલ સ્વીકારશે.કલમ ૩.૧૭ (૮) મુજબ ફરિયાદિએ જરૂરી હોય તો ફોરમ ના હુકમના સંદર્ભમાં પરવાનેદાર પાસે એક તૃતીયાંશ રકમ જમા કરાવી હોય અને કરેલ ચુકવણીની સાબિતી રજૂ કરી હોય,તો જ તેવી રજૂઆત લોકપાલ સ્વીકારશે.
- (૩) લોકપાલ નું સરનામું : વિદ્યુત લોકપાલની કચેરી, બ્લોક નં. ૩, પોલિટેકનિક કમ્પાઉન્ડ, આંબાવાડી, અમદાવાદ-૩૮૦૦૧૫.ફોન નં. (૦૭૯) ૨૬૩૦૨૬૮૮