



ગ્રાહક ફરિયાદ નિવારણ ફોરમ

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

૨જી. અને કોર્પોરેટ ઓફિસ, નાના મવા મેઇન રોડ, લક્ષ્મીનગર, રાજકોટ - ૩૬૦ ૦૦૪

CIN: U40102GJ2003SGC042908;

ફોન નંબર : (૦૨૮૧) ૨૩૮૦૪૨૫, ૨૩૮૦૪૨૭; ફેક્સ : ૨૩૮૦૪૨૮;

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પીજીવીસીએલ/સીજીઆરએફ/૩૭/કવા-૦૧/૨૦૧૯-૨૦/ 4245-3

તારીખ : ૨૬-૬-૧૯

૨જી. એડી. પત્ર

પ્રતિ,

આર એસ પી એલ - લીમિટેડ

સી-૧, સી-૨ - ત્રીજા માળે, સફળ પ્રોફીટાયર, કોર્પોરેટ રોડ, પ્રહલાદ નગર ગાર્ડન ની પાસે, સેટેલાઈટ,

મું. પો. : અમદાવાદ, તા. : અમદાવાદ, જી. : અમદાવાદ-૩૮૦૦૧૫,

મોબાઈલ : ૦૭૯-૨૯૭૦૧૬૦૭

વિષય : ઈ.એચ.ટી. ગ્રાહકે ભરપાઈ કરેલ મીનીમમ બીલ ની રકમ પરત મેળવવા બાબત.

સંદર્ભ : આપશ્રીની રજૂઆત તા. ૨૭-૦૫-૨૦૧૯.

(અત્રેના ફોરમની નોંધણી નંબર : ૩૭/કવા-૦૧/૨૦૧૯-૨૦)

મહોદયશ્રી,

આપશ્રી દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ સમક્ષ કરવામાં આવેલ અરજીના ચુકાદાની પ્રમાણિત નકલ આ સાથે સામેલ છે.

જે આપશ્રીને સુવિદિત થાય, આપના સહકાર સહ. આભાર સહ.

આપનો વિશ્વાસુ,

(સી. જી. ગજરા)

કા.વા. કન્વીનર

ગ્રાહક ફરિયાદ નિવારણ ફોરમ,

પ.ગુ.વી.ક.લી., રાજકોટ

બિડાણ : ઉપર મુજબ.

નકલ સાદર રવાના :

(૧) અધિક્ષક ઈજનેરશ્રી, પ.ગુ.વી.ક.લી., વર્તુળ કચેરી, જામનગર.

(૨) કાર્યપાલક ઈજનેરશ્રી, પ.ગુ.વી.ક.લી., પેટા વિભાગીય કચેરી, દ્વારકા.

સદર નિર્ણયપત્રની નકલ આપશ્રીને આ સાથે મોકલવામાં આવે છે. જેની તમામ વિગતો અભ્યાસે લઈ અને નામદાર ગુજરાત વિદ્યુત નિયંત્રક આયોગ (ગ્રાહક તકરાર નિવારણ ફોરમ અને લોકપાલ) વિનિયમો-૨૦૧૧, જાહેરનામા નં.- ૦૨/૨૦૧૧ ની વિનિયમ નં.- ૨.૫૨ અનુસાર, સદર ફુકમના પાલન અંગે થયેલ કાર્યવાહીનો અહેવાલ અત્રેની ફોરમ કચેરીને અચૂક મોકલી આપવા વિનંતી.

ગ્રાહક ફરીયાદ નિવારણ ફોરમ, રાજકોટ

પીજીવીસીએલ, રજી. અને કોર્પોરેટ કચેરી, લક્ષ્મીનગર નાનામોવા રોડ, રાજકોટ
CIN:U40102GJ2003SGC042908 website : www.pgvl.com
E-Mail- forum.pgvl@gebmail.com

પીજીવીસીએલ/સીજીઆરએફ/૩૭/૬વા-૧/૨૦૧૯-૨૦/૪૨૪૫-૩

તા. 25-6-19

૨૦૦૩ ના ભારતીય વીજળી અધિનિયમની કલમ ૪૨ (૫) તેમજ ગુજરાત વિદ્યુત નિયંત્રક આયોગ (ગ્રાહક ફરીયાદ નિવારણ ફોરમ અને લોકપાલ) વિનિયમો ૨૦૧૧ જાહેરનામા નં. ૨/૨૦૧૧ હેઠળ રચાયેલ ગ્રાહક ફરીયાદ નિવારણ ફોરમ (CGRF) પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ, રાજકોટના ચેરમેન સમક્ષ નોંધાયેલ ફરીયાદ.

No.PG- ૩૭/૬વા-૧/૨૦૧૯-૨૦

અરજદાર: આર એસ પી એલ લીમિટેડ ગામ: કુરંગા તા.જી.- દેવભૂમિ દ્વારકા
રજૂઆત કરનાર: અરજદાર વતી તેના પ્રતિનિધિ તરીકે હરીશભાઈ રામચંદાણી અને સતીશ પટેલ હાજર રહેલ છે.

:: વિરુદ્ધ ::

સામાવાણ: કાર્યક્ષેત્ર : પીજીવીસીએલ - વિભાગીય કચેરી, દ્વારકા
રજૂઆત કરનાર: (૧) કાર્યપાલક ઈજનેર- કે.સી. ચૌહાણ, પીજીવીસીએલ, વિભાગીય કચેરી, દ્વારકા
(૨) આર.આર.હિંગુ- નાયબ ઈજનેર (ટેક) - કન્ટ્રીક્શન વિભાગીય કચેરી, જેટકો
(૩) આર.એસ.ભીમાણી- નાયબ ઈજનેર - કન્ટ્રીક્શન પેટા વિભાગીય કચેરી, જેટકો
(૪) એ.કે.મહેતા - અધિક્ષક ઈજનેર- પીજીવીસીએલ - વર્તુળ કચેરી, જામનગર

:: ફોરમ ::

- ૧) કા.વા.ચેરપર્સન -શ્રી જે.બી. પારેખ,
- ૨) મેમ્બર સ્વતંત્ર - કોકિલાબેન જે. મોટાણી
- ૩) મેમ્બર ટેકનીકલ - એન.ડી.ધામેલીયા



સુનાવણી સ્થળ: કોન્ફરન્સ હોલ, પીજીવીસીએલ, વર્તુળ કચેરી, જામનગર
તારીખ: ૧૧-૦૬-૨૦૧૯ (મંગળવાર)

:: Proceedings ::

- 1.0 The present grievance is filed by appellant in the Forum as under.
- 1.1 The applicant is EHT Consumer having contract demand 6000 kva under HTP-1 tariff. Applicant has received minimum billing charges from the month of July-2018 to Mar-2019.
- 1.2 The applicant has represented to waive of minimum charges amount already paid under protest.

:: Applicant Representation ::

- 2.0 The details of the case are as under.
- 2.1 Applicant M/s RSPL Limited established green field soda ash project at village Kuranga, Devbhoomi Dwarka, applied for new contract demand 6000 kva EHT power supply at 66kv voltage level, under HTP-1 tariff.
- 2.2 As per letter Dtd. 11-09-18 from Chief Engineer (Technical), PGVCL, Corporate Office, Rajkot pertaining to not entertaining our applicant request of extension of time limit. Applicant had requested to PGVCL vide letter Dtd.30-06-18 and Dtd.: 25-07-18 to extend the time limit for

further three months to complete the job of laying 66KV line and be kind enough to not raise the minimum charges.

- 2.3 PGVCL has raised an invoice of minimum charges, dated 20.07.2018 'on account of minimum billing charges from the month of July-2018. Total amount paid as under protest of total Rs. 20452639.55.

Summary for PGVCL Bills from July 2018 to March 2019							
Sr. No	Bill Date	Demand Charges in Rs.	Energy Charges Rs.	Total Charges	Bill due date	Bill paid on	Cheque details
1	20.07.2018	25,69,112.90	0.00	2569112.9	30.07.2018	27.08.2018	562802, 562803
2	18.08.2018	21,52,500.00	0.00	4721612.9	28.08.2018		
3	17.09.2018	21,52,500.00	0.00	4338785.49	27.09.2018		
4	17.10.2018	21,52,500.00	0.00	6491285.49	29.10.2018		
5	17.11.2018	21,52,500.00	0.00	8643785.49	27.11.2018	15.12.2018	175480
6	18.12.2018	21,52,500.00	0.00	2386916.58	28.12.2018	17.01.2019	228930
7	18.01.2019	21,52,500.00	0.00	2171076.95	28.01.2019		
8	18.02.2019	21,52,500.00	0.00	4323576.95	28.02.2019	21.02.2019	228932
9	25.03.2019	21,52,500.00	3,51,979.19	2529247.63	04.04.2019	30.03.2019	937852
			Total	20452639.55			

- 2.4 As per applicant representation to PGVCL about the reason for delay in work such as Railway approval, National Highway Approval, ROW issues, Litigations etc. The said factors which were beyond their control to complete the job of laying transmission line within given time frame. Based on that applicant had requested to competent authority to extend the time limit and waive off the minimum billing charges.
- 2.5 However, due to burden of heavy penalties and interest on aforesaid invoice amount, applicant management had decided to pay the invoiced amount of PGVCL, under protest keeping all applicant rights reserved against invoices raised till installation of transmission line is completed
- 2.6 In view of the above applicant has requested to Forum to review their request sympathetically to waive off and refund the minimum charges amount already paid under protest.

:: Representation of PGVCL ::

The respondent has represented the case as under.

- 3.1 EHT consumer Named "M/s RSPL Ltd." at village Kuranga, Taluka Dwarka Dist Devbhumi Dwarka under HTP-I tariff contracted load of 6000 KVA having consumer no.28615 according to their representation for minimum electricity bill, the point wise comply is mentioned as under.
- 3.2 Consumer had asked time limit request for complete construction of line work for their EHT connection vide letter dtd 23.7.18 due to some reasons. The request was declined by PGVCL competent authority as per GERC Electricity Supply code and related matters regulation notification no. 4 of 2015 -clause no 4.33 (2) as work was not completed the within time limit of 180 days from payment of estimate.
- 3.3 Moreover, M/s RSPL Ltd. had given more 60 days from the date of issuing notice but M/s RSPL Ltd was failed to avail power after laps of 240 days from date of estimate paid. Therefore as per prevailing norms of company and GERC said notification the minimum charges bills were issued to M/s RSPL Ltd. from the date of releasing EHT connection after two months notice period.
- 3.4 Further, as per norms of company and directives of PGVCL competent authority vide letter no PGVCL/Comm/4841 Dtd 25.6.18, minimum bills for your EHT consumer starts from July-2018.
- 3.5 M/s RSPL Ltd. had already asked time limit request for construction of line for their EHT connection vide letter on dtd: 23.7.18 but M/s RSPL Ltd. request was not entertained by PGVCL competent authority because M/s RSPL Ltd. had given more 60 days from the date of issuing notice vide letter no PGVCL/COMM/3284 DTD 26.4.18. Also the billing period and charges (i.e.,



minimum charge, penalties and interest) mentioned in bill was charged as per norms of GERC followed by company and as per instruction of PGVCL competent authority vide Letter no PGVCL/Comm/4841 Dtd: 25.6.18, with a copy to M/s RSPL Ltd.

::ORDER::

- 4.1 We have considered the contentions of the appellant & respondent also facts, statistics & relevant papers which are on record and considering them in details, our findings are as under:
- 4.2 The applicant M/s RSPL Limited for establishment of green field soda ash project at village Kuranga, Devbhumi Dwarka, registered application on Dtd.21-01-2017 for new contract demand 6000 kva EHT power supply at 66kv voltage level.
- 4.3 As per SE(R&C), GETCO, Vadodara letter Dtd. 09-02-17 addressed to Chief Engineer, PGVCL, Corporate office, Rajkot- detailed estimate approved with cost of Rs.216.69Lacs for power supply to be catered from 220kv Bhatia S/s by erecting of 20 km of 66kv S/C line on D/C panther tower with A.C.S.R. panther conductor from 220kv Bhatia S/s to the switch yard of, M/s RSPL Ltd under Option-II. During the execution of line, NOC from the land owner shall be obtained by the applicant. Also any way leave problem, compensation, legal dispute, statutory permissions if any, raised from Government/GIDC, private land owner, farmer, other agency etc. Shall have to be resolved by applicant at his cost.
- 4.4 As per above para no.4.3, PGVCL has intimated estimate for the same to applicant on dtd.01.03.2017 with mentioning total GETCO charges of Rs.216.69 plus Total PGVCL charges of Rs.371.33 Lacs and terms and conditions.
- 4.5 Estimate was paid by M/s RSPL Ltd. under option -2 on Dtd:30-03-17, at PGVCL Division Office Dwarka. The applicant has executed the agreement at PGVCL Corporate Office – Rajkot on Dtd: 04-04-17.
- 4.6 As per survey report of line work contractor of M/s RSPL Ltd., there is over head plus underground cable line (13.13 km O/H & 2.95 km of U/G) is required to be erected accordingly GETCO has issued a additional estimate on Dtd: 26-10-17 for erection of 66 kv line for catering 6000 kva new power demand on 66 kv in respect of M/s RSPL Ltd., unit located at survey no - 471 & other 48 survey no's at village kuranga, to PGVCL Corporate office Rajkot. Accordingly additional estimate was intimated by PGVCL to consumer M/s RSPL Ltd. on Dtd: 09-11-17, with mentioning terms and condition as per annexure-1.
- 4.7 M/s RSPL Ltd. has paid additional estimate worth of Rs.22,05,360/- vide MR no. 23946 on Dtd.: 29-11-17, at division office PGVCL- Devbhumi Dwarka.
- 4.8 As per PGVCL letter Dtd:30-12-17 intimate to applicant for the approval of test certificate of CTs and EMPTs as tested at ERDA on Dtd:30-11-17 in presence of concerned officers.
- 4.9 As per PGVCL letter no. PGVCL / R & C / 1642 Dtd:27-02-18 intimated to M/s RSPL Ltd. regarding work is not completed after paid the estimate on Dtd:30-03-17 & additional estimate paid on Dtd.: 29-11-17. In response to that letter from applicant M/s RSPL Ltd. was complied and mentioned that the transmission line work is on hold due to severe ROW/ way leave clearance.
- 4.10 Respondent has issued a letter to applicant on Dtd: 26-04-18. Accordingly, informed that Hon. GERC Electricity Supply code and related matters regulation notification no. 4 of 2015 -clause no 4.33 (2) notice was issued to complete the work so as to avail power within 60 days from the



date of issue of this notice, on completion of notice period (you are required to pay demand charges and minimum monthly charges applicable without any further notice. Notice period of 60 days is over by Dt:25-06-18.

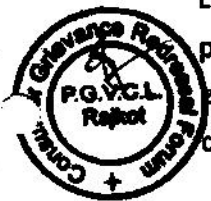
- 4.11 Respondent has issued a letter Dt:25-06-18 with a copy to applicant, " You have failed to avail the power within 60 days from the date of issue of notice issued vide letter dtd: 26-04-18 " and informed to concerned circle office, to start minimum billing to M/s RSPL Ltd. Kuranga Ta. Dwarka, as per applicable monthly minimum charges.
- 4.12 In view of the above applicant has complied to the respondent vide letter dtd: 23-07-18 and requested to extend the time limit for further 03 months to complete the job due to various factors which were beyond their control such as to obtain approval from railway authority, national highway authority of India, Road and building department and various ROW issues, litigation and court cases. Respondent has replied vide letter DT: 01-09-18, that the minimum bill started as per applicable charges is as per provision of electricity supply is in order, so request for time limit extension not entertained.
- 4.13 As per Hon. GERC supply code regulation notification no: 04/2015 clause no. : 4.33 (2) described as under.
" 4.33(2) Charges for the above mentioned works to be paid by the applicant in accordance with GERC (Licensees Power to Recover Expenditure incurred in providing supply and Other Miscellaneous Charges) Regulations 2005 and amendments thereof.

Provided that if the applicant wishes to carry out the works himself, he shall be permitted to do so under supervision by the licensee's officer. Adhering to the estimate and layout approved by the licensee, the applicant can get the work of drawing of service line from the licensee's distribution mains up to his premises extension of HT/EHT line, Distribution or HT substation and LT line through Licensed Electrical Contractor (LEC). In such case, the consumer himself shall procure the materials. The material should conform to relevant BIS specifications or its equivalent and should bear the ISI mark wherever applicable. The licensee may ask for documentary evidence to verify the quality of materials used.

Provided further that if the applicant chooses to get the extension work done on his/her own, only supervision charges on the cost of material and labor charges shall be payable to the licensee.

Provided further that if the applicant chooses to get the extension work done on his own, he shall get the work done within the timeframe specified in GERC (Standard of Performance of Distribution Licensee) Regulations, 2005, as amended from time to time, failing which the licensee shall issue notice to complete work and avail power supply within 60 days from such notice, on completion of notice period, he shall be liable to pay demand charges and minimum monthly charges as applicable."

- 4.14 Considering provisions of supply code, applicant request to waive and refund minimum charges amount already paid under protest can not be considered.



4.15 We order accordingly.

4.16 With this order, representation / application stand disposed of.


(K. J. Motani)

Member (Independent)


(N.D. Dhameliya)

Member (Technical)


(J.B. Parekh)

Chairperson

Note:

- (1) If aggrieved by the order, the applicant may make a representation to the Ombudsman within a period of 30 days from the date of this order.
- (2) As per Gujarat Electricity Regulatory Commission, (Consumer Grievances Redressal Forum & Ombudsman) Regulations, Notification No: 2 of 2011 A representation may be entertained by the Ombudsman only if the following Condition is satisfied i.e Clause No 3.17(viii): The complainant has deposited one third amount in terms of Forum's order, if required, with Licensee & submit proof of payment made.
- (3) Address of Ombudsman:

Office of the Electricity Ombudsman
Barrack No.3, Polytechnic compound,
Ambawadi, Ahmedabad-380015.
Phone No. (079) 26302689

