ગ્રાહક ફરિયાદ નિવારણ ફોરમ

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

રજી. અને કોર્પોરેટ ઓફિસ, નાના મવા મેઇન રોડ, લક્ષ્મીનગર, રાજકોટ – ૩૬૦ ૦૦૪

CIN: U40102GJ2003SGC042908;

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

ઈ-મેલ : forum.pgvcl@gebmail.com; વેબસાઈટ : www.pgvcl.com

પીજીવીસીએલ/સીજીઆરએફ/૯૪-Q3R/ક્વા-૦૧/૨૦૧૯-૨૦/ 3441 તારીખ : 15/5/19

રજી. એડી. પત્ર

પ્રતિ,
સીમસ્ટોન સિરામિક
સર્વે નંબર 132 પૈકી ૧ અને ૨ મુખ્ય ધોરીમાર્ગ ૪-એ ટોલ પ્લાઝા ની નજીક ,
મું. પો. : વઘાસીયા, તા. : વાંકાનેર, જી. : મોરબી,

વિષય : રીવ્યુ અરજી-CGRF કેઈસ નં. 94-Q3-18-19.

સંદર્ભે: આપશ્રીની રજુઆત પત્ર નંબર : Review ૯૪-Q3-૧૮-૧૯, તા. ૦૨-03-૨૦૧૯.
(અત્રેના ફોરમની નોંધણી નંબર : ૯૪-Q3R/ક્વા-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. જે. ગજેરા)
કા.વા. કન્વીનર
ગ્રાહક ફરિયાદ નિવારણ ફોરમ,
પ.ગુ.વી.કં.લી., રાજકોટ

બિડાણ : ઉપર મુજબ.

નકલ સાદર રવાના :

(૧) અધિક્ષક ઈજનેરશ્રી, પ.ગુ.વી.કં.લી., વર્તુળ કચેરી, મોરબી.

(૨) કાર્યપાલક ઈજનેરશ્રી, પ.ગુ.વી.કં.લી., પેટા વિભાગીય કચેરી, વાંકાનેર.

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 હુકમના પાલન અંગે થયેલ કાર્યવાહીનો અહેવાલ અત્રેની ફોરમ કચેરીને અચૂક મોકલી આપવા વિનંતી.

ગ્રાહક ફરીયાદ નિવારણ ફોરમ,રાજકોટ

પીજીવીસીએલ, ૨જી. અને કોર્પોરેટ કચેરી, લક્ષ્મીનગર નાના મૌવા રોડ, રાજકોટ
CIN:U40102GJ2003SGC042908 website : www.pgvcl.com
E-Mail- forum.pgvcl@gebmail.com

પીજીવીસીએલ/સીજીઆરએફ/૯૪/કવા-03/૧૮-૧૯/3441 તા. 15/5/19

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.

CASE NO.: ૯૪/કવા-03/૧૮-૧૯

(UNDER REVIEW)

અરજદાર: મે. સીમસ્ટોન સિરામિક પ્રાઇવેટ લિમિટેડ, ગામ : વધાસીયા

રજૂઆત કરનાર: અરજદાર વતી તેના પ્રતિનિધિ તરીકે વી.વી.પટેલ હાજર રહેલ છે.

:: વિરુધ્ધ ::

સામાવાળા: કાર્યક્ષેત્ર : પીજીવીસીએલ વિભાગીય કચેરી, વાંકાનેર

રજૂઆત કરનાર: શ્રી બી. ડી. ઝાલાવડિયા કાર્યપાલક ઇજનેર, વિભાગીય કચેરી, વાંકાનેર
શ્રી આર.એસ. પ્રજાપતી - નાયબ ઇજનેર, વિભાગીય કચેરી, વાંકાનેર

:: કોરમ ::

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

Consumer Grievance Redressal Forum P.G.V.C.L. Rajkot

સુનાવણી સ્થળ: કોન્ફરન્સહોલ,પીજીવીસીએલ.,વર્તુળ કચેરી – મોરબી

તારીખ: 30/04/19

Proceedings

1.0 Appellant has filed review representation dated 02.01.2019 against the order passed by CGRF-Rajkot vide order No. 1308-3dtd.13.02.2019 of registered case no. PGVCL/CGRF/94/Q-3/18-19. The hearing of this case was kept on 30.04.2019.

2.0 The appellant has represented the case as under:

2.1 In review representation it is submitted by Appellant that respondent letter No.EE/WKR/TECH-1/5302 DATED 30.08.2018 Rs. 4038608.00 estimate given as per provision made in supply code 2015, clause no.4.95, for HTLE 175 KVA by laying a separate feeder and at present applicant connection connected on 11kv Pluto feeder which is

emanating from 132/11 KV Vaghasia s/s, this feeder was bifurcated from 11KV Surani feeder. Originally said this new connection was released from 11kv Balleza feeder, which was emanating from 66kv Bhojapara s/s.

2.2 Appellant has referred the following CGRF order Point No.: -

> 2.4.(1)- load of 1600 KVA of M/s. Simstone Ceramic was transferred from 11 KV Belleza Ind feeder to 11 KV Surani Ind Feeder because at that time of proposing HT L. E. of M/s Qutone Granito from 1800 KVA to 3300 KVA from 11 KV Belleza Feeder-Ampere loading of Belleza Feeder gone to 289 Amp and %VR became 9.93%.
>
> 2.4.(2)-so, it was not possible to give 1500 KVA HT L. E. to M/s Qutone Granito from the same feeder (i.e. 11 KV Belleza Feeder).
>
> 2.4.(3)-As per guideline vide L.no. PGVL/Comm/3187/dtd. 05.07.2008, above load can be released through proposing new feeder/bifurcation of feeder. Accordingly, SE Morbi has justified the case of M/s Qutone Granito for HT L. E& recommend that 11 kv Belleza & 11kv Surani feeder emanating from 66kv Bhojapara s/s are running parallel to national highway, & therefore it is not feasible to erect new feeder along the national highway. So, as per PGVCL requirement, looking to this only alternative left is to transfer partial load to nearby 11kv Surani feeder which is running parallel to 11kv Belleza feeder. Accordingly, it is proposed to transfer load of 1600 KVA of HT consumer M/s. Simstone ceramic P.Ltd from 11kv Belleza feeder to 11kv Surani feeder.

2.3 Appellant has represented that in past when Qutone Granito HT-LE sanctioned, due to at that time it was not feasible to erect new feeder along the National Highway.

2.4 Appellant has requested to revise the estimate by changing partly load from 11kv Pluto feeder to 11Kv Belleja feeder which max AMP 55 only due to recently M/S Qutone ceramic load extension done by taking EHT 66kv power supply , So M/s Simstone Ceramic load extension can be granted to nearby other feeder and same is possible by only changing jumper but, now a day's Nos. of AG Land Converted in to Non-AG land & also shopping Center, Commercial Complex recently constructed near to parallel National High way. So, Physically Now a day's not possible to erect new line.

In past due to heavy rain land survey no 123 & 124, 127 was totally immerged in rain water and pole and electric wire was broken, so power was cut off for 3 three days, at that time PGVCL staff reported that it is not possible to re-erect electric pole due to water and mud, department had taken decision to divert existing line, and they erected new poles along the national highway, but due to objection raised by national highway authority and Ag& non Ag. Land owners, thus work of erecting line holdup more than 18 moths, for this M/S. Somani sanitary wares Pvt Ltd at Vaghasia also complain to The C. E. Tech, Rajkot on dated 15.10.18 for non-availably of power and work is held up.

Consumer Grievance Redressal Forum P.G.V.C.L. Rajkot

Appelent represented that above fact is very clear that PGVCL is not in a position to erect new feeder/bifurcate any feeder, even though they have proposed bifurcation of feeder instead of diverting load to original feeder, just by changing the jumper take approval as per PGVCL guideline letter no. Letter No. PGVCL/REC/6239, Dated: 15.07.2016. Due to not consider request that losing production which is lead to huge financial loss, therefore applicant has requested to grant L.E. from nearby feeder, which is totally under load (55 AMP), in past it was policy of G.E.B. that consumer should be supplied power by nearest

existing feeder and if required balancing and reshuffling load so that consumer can get power supply at minimum cost and they can establish their business.

2.5 અરજદાર ની રજૂઆત મુજબ – પીજીવીસીએલ દ્વારા વીજ જોડાણ ચાલુ કર્યું ત્યારે ૧૧કેવી બેલેઝા ફીડર માં હતુ પરંતુ, જયારે કયુટોન સિરામિક નો લોડ વધારો ૧૮૦૦ કેવીએ થી ૩૩૦૦ કેવીએ મંજુર કરતી વખતે ૧૧કેવી બેલેઝા ફીડર ૨૯૦ એમ્પ, અને વી.આર.૯ % થી વધી જવાથી અરજદાર નું કનેક્સન અરજદારને જાણ કર્યા વગર ૧૧કે.વી પ્લુટો ફીડર માં નાંખેલ, તો તેઓને લોડ વધારો કરવા માટે શા માટે નવો ફીડર બનાવે છે? જેથી અરજદારે માનવતા ની રૂએ અને નિયમ મુજબ ઓરીજીનલ ૧૧કેવી બેલેઝા /સુરાણી ફીડર માંથી લોડ વધારો પીજીવીસીએલ દ્વારા આપી શકાય કે કેમ? તેવી રજૂઆત કરેલ છે.

3.0 Respondent has represented the case as under:

3.1 M/s. SIMSTONE CERAMIC PVT LTD is a HT consumer having contracted load of 1600 KVA bearing Consumer No-32670 Located at Village:Bhayati-Jambudiya Ta: Wankaner. During the Last year (2017 – 18) said Consumer's has over drawl the maximum demand 5 times. Accordingly, as per provision made in supply code 2015, Cl. No. 4.95 notices issued to the consumer to regularize the additional 175 kva demand vide letter no EE/WKR/REV/2666 DT.08.05.2018. After completion of notice period, consumer has neither restricted the demand nor turn up for regularization of the over drawl demand. Accordingly, proposal for regularization of over drawl demand of 175kva had prepared and approval received vide letter No. PGVC/COMM/JSD/6983 dt 28.08.2018. Accordingly, estimate issued to Applicant vide Letter No. EE/WKR/Tech-1/5301 dt 30.08.2018. But Applicant has not paid the estimate of 175 kva load extension within given time limit or not asked for time limit extension of estimate. Hence, as per the provision made in Supply code 2015 Clause No 4.95 said **Estimate Amount for Load Extension is debited in Consumer's Bill Account. But consumer has not paid the amount of estimate for load extension and represented his case to CGRF** against the load extension proposal was submitted by laying a separate feeder from existing 132 KV Vaghasiya S/S and bifurcating the load of existing 11 KV Pluto feeder.

As per the CGRF Order passed by CGRF vide letter no PGVCL/CGRF/94/Qua-03/18-19/1308-03 dt 13.02.2019, the said case was dismissed and decision was given in favor of PGVCL.

3.2 As per the applicant Review Application against the CGRF Order passed by CGRF vide letter no PGVCL/CGRF/94/Qua-03/18-19/1308-03 dt 13.02.2019 and point wise representation submitted as below.

(1) Applicant HT Connection having load 1600 KVA is lying on 11 kv Pluto Feeder which was bifurcated from 11 kv Surani feeder due to creation of new 132 KV Vaghasiya S/S.

(2) Applicant's HT connection was released from 11 kv Belleza Ind Feeder emanating from Bhojapara s/s.

(3)As per the approval PGVCL corporate office vide letter no: PGVCL/Comm/2015-16/993 dated:-08.02.16 for release of 1500 KVA additional Load to M/S Qutone Granito Pvt Ltd the transfer the applicant load (1600KVA)from 11 kv Belleza Feeder to 11 KV Surani feeder (Now a Days Pluto Feeder) .

(4) As per Supply code 2015, clause No 4.95 -prepare Proposal for Load Extension based on actual route survey accordingly proposed feeder bifurcation of existing 11 kv Pluto

Feeder due to Overloading of Feeder and same was approved by competent authority then estimate was issued to applicant on dtd.30.08.2018 for HT LE (1600KVA +175 KVA).

(5) In Past Heavy rain occurred in survey No 123, 124,127 and due to that said land was totally immerged in rain water and pole and electric wire was broken. So power was cut off and same was restored by PGVCL.

(6) As per the line route survey report and possibility of erection of line, Proposal for Load Extension was prepared. Hence PGVCL can erect the New feeder after payment of Estimate by applicant. As per Competent authority instruction vide letter No PGVCL/R&C/6239 Dtd.15.07.2016, Shifting of HT connection from one feeder to another feeder is not possible. Hence proposal for the shifting of HT Connection from one feeder to another feeder was not prepared.

(7) As per supply code 2015, Clause No 4.95, estimate issued for 175 Kva load Extension is in order and as per the rules and regulation of PGVCL and it cannot be revise by changing partial load to another feeder as per Guideline No PGVCL/R&C/6239 dtd: 15.07.2016.

:REVIEW ORDER:

4.0. CGRF has gone through previous CGRF order no. PGVCL/CGRF/94/Q-03/18-19/1308-3 Dtd.13-02-19 & subsequent review application made by M/S Simstone Ceramics, Wankaner on Dtd.02-03-2019. While reviewing this matter, CGRF findings are described as under.

4.1 In past M/S Qutone Granito Pvt. Ltd., Vill- Vaghasia , Ta. Wankaner having contract demand 1800 kva and M/S Simstone Ceramics Pvt. Ltd. contract demand having 1600 kva- both these HT Consumers are fed with power supply from 11 kv Belleza feeder emanating from 66 kv Bhojpara S/S. M/S Qutone Granito Pvt. Ltd., applied on DT.31-12-2015 for 1500 kva load extention to raise their contract demand from 1800 kva to 3300 kva (bearing consumer no.31620) while calculating addition of above load of 1500 kva, 11 kv Belleza feeder was showing ampere loading of 289 ampere and % HT VR to be 9.93%. So it was not possible to give 1500 kva HT LE to M/S Qutone Granito Pvt. Ltd. from the same feeder (11 kv Belleza feeder). Accordingly, SE Morbi submitted proposal with remarks that 11 kv Belleza & 11 kv Surani feeder emanating from 66 kv Bhojpara S/S are running parallel to national highway and therefore it is not feasible to erect new feeder along the national highway. Looking to this, only alternative left is to transfer partial load of 11 kv Belleza to near by 11 kv Surani feeder, which is running parallel to 11 kv Belleza feeder. Accordingly, it was proposed to transfer load of 1600 kva of HT Consumer- M/S Simstone Ceramics Pvt. Ltd, to 11 kv Surani feeder from 11 kv Belleza feeder. This proposal was approved by corporate office in the month of February-2016. Thereafter 1600 kva load of M/S Simstone Ceramics Pvt. Ltd. was transferred to 11 kv Surani feeder (now 11 kv Pluto feeder).

Presently 11 kv Pluto feeder emanating from 132 by 11 kv Vaghasiya S/S, Wankaner. As per provision of supply code 2015 clause 4.95, Suomoto group proposal was prepared by SE Morbi to cope up with load extension in favour of following consumer.

(1) M/S Simstone Ceramics Pvt. Ltd. at Vaghasiya consumer no. 32670 load extension -175 kva (To raise the contract demand from 1600 kva to 1775 kva).

(2) M/S Grenic Minerals at Jambudiya consumer no. 32630 load extension -35 kva (To raise the contract demand from 375 kva to 410 kva).

4.2 Considering group demand of 175 + 35 = 210 kva, 11 kv Pluto industrial feeder was showing total loading of 310.04 ampere and % HT VR to be 9.99%. Hence, considering

bifurcation of 11 kv Pluto feeder, new 11 kv Simstone Ind. feeder was proposed from 132 kv Vaghasiya S/S. This group proposal was approved by corporate office vides PGVCL/ COMM/ JSD/6983 Dtd. 28-08-18, with a condition that approval is accorded in group. The estimates will be issued in group to above 02 consumers with a condition that all 02 consumers will have to pay the estimate together. Accordingly to group estimates were issued by EE Wankaner as under.

(1) M/S Simstone Ceramics but at Po. Vaghasiya Ta. Wankaner estimate no. EE/WKR/TECH1/5301 Dtd. 30-08-18, for total amount – Rs. 40,38,608/- which is not paid by consumer till to date.

(2) M/s, Grenic Minerals P.O. Jambudia, Ta: Wankaner estimate no. EE/WKR/TECH1/5302 Dtd. 30-08-18 for total amount of Rs. 8,07,042/- which was paid by M/s Grenic Minerals under objection vide cheque no. 000158 of HDFC Bank Dtd. 20/02/2019, vide money receipt no. 0503096 Dtd. 22-02-2019.

In spite of group estimate, individual estimate of M/S Grenic Minerals was accepted by PGVCL without accepting estimate of group consumer, M/S Simstone Ceramics Pvt. Ltd.

4.3 M/S Simstone Ceramics Pvt. Ltd. registered his grievance with CGRF Rajkot vide registration no. 94-Q3-18-19 Dtd. 15-12-18, for which CGRF after hearing of PGVCL and applicant, issued and order vide : PGVCL/CGRF/94/Q-03/18-19/1308-3 Dtd.13-02-19 due to national highway, land Non Agricultural problems and concentration of industries. If feeder bifurcation is not feasible, it was pointed out in CGRF Order to refund the estimate if paid by consumer.

4.4 Aggrieved with CGRF Order no. 1308-3 Dtd.13-02-19, M/S Simstone Ceramics Pvt. Ltd. applied with CGRF on Dtd. 02-03-2019 to review the order considering additional points.

(1) It is a matter of review that while processing 1500 kva load extension application to raise contract demand from 1500 kva to 3300 kva, in case of M/S Qutone Granito Pvt. Ltd. in the month February-2016, PGVCL has considered the fact that feeder bifurcation is practically not feasible for 11 kv Belleza feeder, considering National Highway, Industrial Conjunction and N.A. problems. Hence, Competent authority approved transfer of 1600 kva load of M/S Simstone Ceramics Pvt. Ltd. from 11 kv Belleza feeder to 11 kv Surani feeder(now 11 kv Pluto feeder).

(2) In spite of practical feasibility problem group proposal was prepared by SE Morbi, in which again new 11 kv feeder say 11 kv Simstone Ind. feeder was proposed on the same route. There is no clarification in this group proposal regarding previous feasibility problem. Hence, the same was approved by competent authority as per regular norms.

(3) According to opinion of Forum, PGVCL must issue Suo-Moto estimate considering technical & practical feasibility to bifurcate existing feeder and erect new feeder.

(4) It is also very clear from PGVCL Corporate office, letter no. PGVCL/R&C/6239 Dtd.: 15-07-16 " It is directed to be more vigilant and not to approve any kind of shifting of HT Connection from one feeder to another feeder under the guise of interruption or any other reason. If in case at all, it is required to modify load distribution among the feeders, such proposal should be sent to Corporate office with due justification."

(5) In this matter group proposal consisting of 02 HT Consumers out of which

a. M/S Simstone Ceramics Pvt. Ltd. has not paid Suo-moto estimate whereas

b. M/S Grenic MInerals has paid Suo-moto estimate.

In fact acceptance of single estimate is violation of condition of group approval.

4.5 In above circumstances, SE Morbi is hereby directed to examine this matter in line similar to M/S Qutone Granito Pvt. Ltd., Vill- Vaghasia and examine feasibility to transfer & balance loading of nearby feeders & forward proposal to corporate office for necessary approval. Moreover, M/S Qutone Granito Pvt. Ltd. is presently converted from HT Consumer to EHT Consumer at 66 kv voltage level. Accordingly 3300 kva load is reduced from 11 kv Pluto feeder.

4.6 Presently both the estimates may be kept under abeyance until final decision of corporate office is obtained.

(1) In future both the estimates already issued to (1) M/S Simstone Ceramics Pvt. Ltd. and (2) M/S Grenic Minerals may be revised / adjusted / refunded on the basis of approval from competent authority. As Suo-moto estimate is added in regular energy bill of M/S Simstone Ceramics Pvt. Ltd. which is not paid till to-date. Hence, no delay payment charges to be recovered until dispute is over. If recovered, the same may be refunded / adjusted in future when dispute is accomplished in all respects.

(K. J. Motani)	(N.D. Dhameliya)	(J.B. Parekh)
Member (Independent)	**Member (Technical)**	**I/C 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