

**GUJARAT ELECTRICITY REGULATORY COMMISSION
BEFORE THE ELECTRICITY OMBUDSMAN, GUJARAT STATE
Polytechnic Compound, Barrack No.3, Ambawadi,
Ahmedabad-380015**

CASE NO.56/2019

Appellant: M/s. United Polyfab Gujarat Limited
Survey No.238,239, Shahwadi
Opp.New Aarvee Denim, Narol-Sarkhej Highway
Ahmedabad-382405.

Represented by: Shri D.S.Doshi, Authorized representative.

V/s.

Respondent: Executive Engineer,
Uttar Gujarat Vij Company Limited
Division Office, Nr. Torrent Power Rly. Crossing,
Sabarmati. Ahmedabad-380005

Represented by: Shri R.D.Zala, SE, UGVCL, Sabarmati C.O.
Shri R.P.Patel, SE(Comm.),UGVCL, R&C Office, Mehsana
Shri Parag Desai, EE, UGVCL, R&C Office, Mehsana
Shri Raj Sharma, EE, UGVCL, Sabarmati D.O.

::: PROCEEDINGS :::

- 1.0.** The Appellant had submitted representation aggrieving with the order No.1724 dated 04.06.2019 passed by the Consumer Grievances Redressal Forum, Uttar Gujarat Vij Company Limited, Mehsana, in case No.UG-04-017-2018-19. The representation was registered at this office as Case No.56/2019. The hearing of this case was kept on 25.07.2019, 08.08.2019 and 22.08.2019.
- 2.0.** Appellant has represented the case as under.
 - 2.1.** Appellant is a HT consumer, located at village Timba, Taluka Dascroi, having contracted demand of 2700 KVA since 31.01.2017 under HTP-I tariff category, bearing consumer No. HT-18934. Appellant had represented before CGRF and CGRF has ordered in the matter without going through in right spirit. Therefore, Appellant has represented his case before Ombudsman for getting justice.

- 2.2. For requirement of additional 1000 KVA (1700 KVA to 2700 KVA), Respondent issued estimates to Appellant vide letters dated 21.01.2017 and 26.05.2017 without any specific condition. Since Appellant had not paid the estimated amount, the estimates were cancelled by Respondent.
- 2.3. Thereafter, against another application of Appellant for additional 2000KVA (1700KVA to 3700KVA), Respondent released only additional 1000 (1700 to 2700) KVA. As per Respondent, there was issue of percentage HTVR (i.e. to receive low voltage than specified limit at the premises of Appellant) and Respondent had asked Appellant to submit consent that billing would be done from meter at sub-station end. Due to urgent need of power there was no option for Appellant other than to give consent as above and to get released additional 1000 KVA (instead of 2000 KVA).
- 2.4. Additional 1000 KVA of Appellant was released in April,2018. In October,2018 Respondent issued bill for 19,72,470 units. Therefore, within four to five days Appellant received another energy bill for the month of October,2018 for 22,26,310 units. On contacting EE, Sabarmati personally, Appellant was informed that in revised bill of October,2018 the bill was issued based on meter installed at Navagam sub-station. To save the Unit from disconnection, Appellant paid full energy bill of October,2018 and thereafter. Now Respondent is billing from meter at sub-station end retrospectively i.e. from April,2018.
- 2.5. Respondent started to bill Appellant from meter at sub-station end. As per knowledge of Appellant no other HT consumer in Gujarat is billed from meter at sub-station end on account of higher % HTVR. Due to this, Appellant has to incur additional cost of Rs.6 to 7 lakh per month w.e.f. April,2018.
- 2.6. GERC has specified that licensee shall maintain the voltages at the point of commencement of supply to a consumer in the range of +6% to -9% in case of 11KV. GERC has not mentioned that in case of theoretical % HTVR beyond -9%, connection is not to be released. But

it has mandated that licensee shall maintain voltages between +6% to -9% at consumer end. Licensee has to manage to supply HT voltage in above limit by opting for various tools like higher voltage at sub-station end, double circuit laying higher size cable, new sub-station etc. In short, said provision is for supplying power at sufficient voltage to consumer so that there is no technical problem at consumer premises but not to deny new connection or additional load.

- 2.7. Appellant is receiving very good voltage at his premises. As such contention of Respondent that metering is to be done at sub-station end on account of higher voltage loss for releasing additional 1000 KVA, is not tenable.
- 2.8. As per Section 42(1) and 43 of the Electricity Act, 2003, Respondent is mandated to release connection to each applicant. Thus, it is responsibility of Respondent to keep ready proper infrastructure so that it can cater power to each applicant.
- 2.9. Appellant had represented above facts to M.D. of Respondent company and requested as under:
 - (1) Appellant is receiving very good voltage and there is no higher voltage drop, therefore, Appellant should be billed from meter at his premises from April,2018 i.e. from the date of release of additional load of 1000 KVA.
 - (2) Respondent should arrange to release additional 500KVA (2700KVA to 3200KVA) on 11KV feeder.
- 2.10. In response to written submission of Appellant and personal meetings, Respondent vide letter dated 04.01.2019 has issued an estimate to Appellant for additional 500 KVA (2700KVA to 3200KVA) from the existing feeder by proposing conversion of initial 6 KM line in 11KV 240 mm² XLPE underground cable. In the estimate, it is mentioned that after payment of estimated amount and after completion of said work, the release order will be issued and from the date of actual release of additional 500 KVA demand, the metering will be done from Appellant's end instead of sub-station end.

Appellant has paid the estimated amount and work of laying 240 mm² XLPE cable is under progress. Respondent has issued release order for additional 500KVA (2700KVA to 3200KA) vide letter dated 21.05.2019. Vide letter dated 14.06.2019, Respondent has approved to bill from meter at Appellant's end instead of Sub-station end.

2.11. Appellant has submitted legal and technical points as under.

- (1) He has referred Clause 6.3 of SoP Regulation, Notification No.10 of 2005.

“6.3. The licensee shall maintain the voltages at the point of commencement of supply to a consumer within the limits stipulated hereunder, with reference to declared voltage:

(a) In the case of Low Voltage: +6% and -6%.

(b) In the case of High Voltage: +6% and -9% and

(c) In the case of Extra High Voltage: +10% and -12.5%”

Here GERC has specified that licensee shall maintain the voltages at the point of commencement of supply to a consumer in the range of +6% to -9% in case of High Voltage. GERC has not mentioned that in case of theoretical %HTVR beyond -9%, connection is not to be released. But it has mandated that licensee shall maintain voltage between +6% to -9% at consumer end. Licensee has to manage to supply HT voltage in above limit by opting for various tools like higher voltage at sub-station end. As per the Electricity Act,2003, licensee is obliged to release connection to each applicant.

- (2) Respondent is calculating theoretical %HTVR based on same formula where one constant is assumed and said constant is unaltered since more than above 35 years. It is seen that actual voltage drop is always less than theoretical voltage drop derived by formula as mentioned above.

Above provision is to be viewed for actual voltage drop at consumer end and not for theoretical one.

(3) By referring Section 42(1) of Electricity Act,2003, Appellant has stated that duty of DISCOM is to develop and maintain distribution system in his area of supply. If Respondent would have developed distribution system as per said Section, there would have not been issue of %HTVR even during theoretical calculation.

(4) Appellant has referred Clause 4.3 of Supply Code,2015 and stated as under.

The Electricity Act,2003 and Supply Code,2015 has clearly laid responsibility on distribution licensee for ensuring that its distribution system is upgraded, extended and strengthened to meet the demand for electricity in its area of supply.

Since Respondent failed to adhere to its duty/responsibility laid by the Act and GERC, issue of theoretical %HTVR arise and since Appellant was in need of additional power of 1000 KVA, he compelled to give written consent on his letterhead vide letter dated 17.03.2018.

Since it was failure of Respondent to adhere to Section 42(1) and 43 of Act and Clause 4.3 of Supply Code,2015, base for seeking written consent is in violation of Act and GERC and therefore written consent is to be treated as illegal, invalid and void. As such Respondent cannot bill based on Appellant's undertaking on his letterhead dated 17.03.2018.

(5) At Appellant's end he is regularly receiving voltage of @11KV till date. The maximum demand of Appellant is @3300KVA after release of last additional load of 1000 KVA in April,2018. Even thereafter Appellant is receiving average voltage of @ 10.2 KV. If %HTVR is calculated it comes to the -7.37% i.e. very well within limit specified by GERC. Thus it is clear that there is no issue of %HTVR.

Appellant has submitted detailed sheet showing the voltage received and %HTVR.

Sr. No.	Date	Time	Voltage received (KV)	Nava-gam S/s	Reduction in %.	Voltage received (KV)	Standard voltage	Reduction In %
1	23.12.18	11:53	10.04	11.40	11.93	10.04	11.00	8.73
2		14:16	9.97	11.00	9.36	9.97	11.00	9.36
3		15:24	9.99	11.10	10.00	9.99	11.00	9.18
4		18:35	10.51	11.40	7.81	10.51	11.00	4.45
5	24.12.18	08:16	10.50	11.40	7.89	10.50	11.00	4.55
6		11:25	9.70	10.90	11.01	9.70	11.00	11.82
7		03:34	10.14	11.10	8.65	10.14	11.00	7.82
8	25.12.18	09:02	10.40	11.50	9.57	10.40	11.00	5.45
9		11:45	10.30	11.40	9.65	10.30	11.00	6.36
10		02:40	10.50	11.60	9.48	10.50	11.00	4.55
11		05:02	10.50	11.50	8.70	10.50	11.00	4.55
12	26.12.18	08:23	10.75	11.70	8.12	10.75	11.00	2.27
13		10:00	9.90	11.00	10.00	9.90	11.00	10.00
14	27.12.18	08:50	10.10	11.10	9.01	10.10	11.00	8.18
15		11:00	9.90	10.80	8.33	9.90	11.00	10.00
16		03:25	10.10	11.00	8.18	10.10	11.00	8.18
17	28.12.18	09:10	10.20	11.20	8.93	10.20	11.00	7.27
18		12:25	9.90	10.90	9.17	9.90	11.00	10.00
	Average		10.19		9.21%	10.19		7.37%

Above refers that %HTVR in case of Appellant is very well within limit even by using actual load by Appellant up to 3300 KVA. Thus this is not the case where %HTVR is beyond limit notified by GERC.

(6) Appellant has referred Clause 6.7 of Supply Code,2015 and stated as under:

As per Respondent there was issue of %HTVR (i.e. to receive low voltage than specified limit at premises of Appellant) and Respondent has asked Appellant to submit consent that billing would be done from meter at sub-station end. Due to urgent need of power there was no option for Appellant other than to give consent as above and to get released additional 1000 KVA (instead of 2000 KVA).

In fact, as stated above Appellant is receiving very good voltage. As per the Electricity Act, 2003, licensee is obliged to release connection to each applicant. Thus this is not the case of mutual agreement but it is the case of forced consent.

- (7) GERC, vide its letter No. GERC/SC/2014/1014 dated 14.05.2014 as mentioned as under.

“On the basis of above, the Commission feels that the distribution licensees and the SLDC are not adhering to the regulations notified by the Commission and views it seriously. They are directed to avoid the above irregularities with immediate effect and in case any such deviations are reported thereafter, the Commission shall be constrained to initiate action under Section 142 of the Act. As the public utilities, it is their duty to act responsibly and according to the regulations.”

In instant case, Respondent has sought consent from Appellant on the ground of %HVR issue that metering should be done from meter at sub-station end. As mentioned earlier no GERC Regulation allows DISCOM to deny new connection/additional load on ground of %HTVR in limit notified by GERC. As such, consent forcefully sought from Appellant is to be treated as illegal, invalid and void.

- (8) An estimate issued by Respondent dated 04.01.2019 for additional 500 (2700 to 3200) KVA is the proof that it was possible for Respondent to release power supply of Appellant up to 3200 KVA (even more) by laying higher size cable and thus maintaining %HTVR within limit.

Respondent has not explored such options and thus forced Appellant to give consent for metering from Sub-station end. Since power requirement was inevitable, Appellant would have no other option but to give such consent.

- (9) Any undertaking, agreement, consent etc., sought by licensee in violation of GERC rules is not legal. In present case, GERC has

nowhere mentioned that new connection/additional load is not to be released on pretext of %HTVR.

Respondent was having option of laying higher size cable. If such option would have been explored in January,2018, there would have not been issue of theoretical %HTVR and thus no need for asking consent from Appellant from metering at sub-station end would have been arise.

Thus consent asked by Appellant for metering at sub-station end is not as per GERC rules and therefore is illegal.

- (10) By referring Clause 6.7 of Supply Code Appellant has raised issue of metering and stated as under.

If Appellant would have been agreed for metering at sub-station end there was no need for meter in the premises of Appellant. Fact is that meter is continuously existing in the premises of Appellant till today. Even Respondent was taking reading till October,2018 from meter at Appellant's premises only and Appellant was billed accordingly.

- (11) As narrated above, Appellant should have not been billed from meter at sub-station end as per GERC rules and regulations. However, to find out amicable solution Appellant proposed as under.

Amicable solution:

1. Contention of Respondent is that in case of higher %HTVR, the losses would increase. GERC has notified to maintain %HTVR within limit of -9%. Thus in any case %HTVR up to -9% is attributable to Respondent. Only differential %HTVR beyond -9% may be considered as attributable to Appellant.
2. Appellant has requested to M.D., UGVCL as under:
 - (a) To bill Appellant from meter at his premises from April,2018 (i.e. date of release of additional load of 1000 KVA) OR

(b) Respondent and Appellant should share differential units in proportion to %HTVR to be borne by Respondent and attributable to Appellant.

2.12. Appellant has submitted rejoinder dated 28.08.2019 and reiterated certain above para and stated as under:

- (A) In the Electricity Act,2003, vide Section 42(1) and Section 43, duty of distribution licensee is given, which is known as Universal Service Obligation. Whether Universal Service Obligations is mandatory or optional?
- (B) Whether DISCOM is allowed to deny connection/additional load in pretext of %HTVR?
- (C) Whether DISCOM is allowed to seek any undertaking/consent against provisions of the Electricity Act,2003 or GERC's Rules/Regulations/orders?

During hearing Appellant has elaborated on above basic questions. Gist of the same is given hereunder.

(A) Universal Service Obligation:

(1) Hon'ble Supreme Court:

(a) In writ Petition No.103 of 2013:

“The Hon'ble Supreme Court held in Para 5 to 7 that the Appellant is entitled to receive power supply under Section 43 of the Electricity Act,2003.”

(b) Hon'ble Supreme Court's judgement reported in 2011 (12) SCC 314;

“In the aforesaid decision, Hon'ble Supreme Court held that it is the statutory duty of the distribution licensee to supply electricity to an owner or occupier of any premises located in the area of supply of electricity of the distribution licensee, if such owner or occupier of the

premises applies for it, and correspondingly every owner or occupier of any premises has a statutory right to apply for and obtain such electric supply from the distribution licensee.”

(2) Hon’ble Chhatisgarh High Court order dated 02.01.2018 in Writ Petition No.3341 of 2017.

“In the aforesaid judgements it is held by Hon’ble Supreme Court and High Courts that access to electricity is a right to life in terms of Article 21 of the Constitution of India and also qualifies under Article 19(1) of the Constitution of India.”

(3) GERC in its order dated 02.01.2018 in Petition No.1226 of 2012 has mentioned as under:

(a) Para 8.7:

“It is the duty of the distribution licensees to supply power to the consumers of its license area at the tariff rate determined by the Commission.”

(b) Para 8.9:

“... It is the duty of the distribution licensee to supply to the consumer of his license area as and when the consumer demands electricity. The distribution licensees are also cast the duty of universal service obligation by the Electricity Act, 2003....

.... We are of the view that the distribution licensee must ensure the objective of the Electricity Act,2003...”

(4) GERC’s order in Petition No.1741 of 2018 (Astapad Corporation Vs TPL):

(a) Para 10.13:

“Thus, it is the duty of every distribution licensee to develop and maintain an efficient, coordinated and economical

distribution system in his area of supply in accordance with the provisions of the Act.”

2.13. Appellant has submitted reply/rejoinder dated 29.08.2019 against Respondent’s letter dated 02.08.2019 and stated as under:

(1) On 18.06.2012 GERC has notified Supply Code and enhanced KVA capacity to be released on 11KV from 2500 KVA to 4000 KVA. Till 2017, i.e. till date of application of Appellant for additional load, Respondent failed to upgrade its distribution system to meet power requirement up to 4000 KVA on 11KV.

(2) In context to Respondent’s written submission Appellant has further stated as under.

(1) It is to be noticed that in notarized consent of Appellant dated 28.02.2018, he has not mentioned that he is ready for metering at sub-station end.

(2) For calculating theoretical %HTVR no formula is given by GERC in its rules and regulations. Below stated factors required to be considered on case basis to derive constant i.e. e-rating factor;

- (i) Temperature correction factor in air.
- (ii) Ground temperature correction factor.
- (iii) Thermal resistance correction factor for soil.
- (iv) Soil correction factor depending on type of soil i.e. very wet, wet, damp, dry and very dry soil.
- (v) Cable depth correction factor
- (vi) Cable distance correction factor and
- (vii) Cable grouping factor.

Each and every factors stated above have impact on theoretical %HTV.

Therefore, theoretical %HTVR derived by Respondent are always higher than actual %HTVR. Even GERC’s regulation does not provide to deny connection based on theoretical %HTVR.

- (3) Respondent has submitted details of % voltage drop for selected nine time blocks only based on MRI report of the meters at Appellant's end and sub-station end.

In fact, Respondent should give data in excel sheet for all dates and time blocks available in MRI. Normally MRI is available for 45 days. Therefore, Respondent should have submitted excel sheet for all the time blocks of 45 days in excel format (soft copy) in format mentioned by Appellant in his original submission dated 20.06.2019 at Para 4.2.

2.14. Appellant has prayed as under:

- (i) To direct Respondent to bill Appellant from meter at his premises from April,2018 (i.e. date of release of additional load of 1000 KVA) to 09.06.2019 OR
- (ii) To direct Respondent that Respondent and Appellant should share differential units in proportion to %HTVR to be borne by Respondent and attributable to Appellant for the period from April,2018 to 09.06.2019.

3.0. Respondent has represented the case as under.

3.1. Appellant is having a unit located at Timba, Taluka Dascroi, District Ahmedabad. Initially, Appellant had applied for 1700 KVA on 29.06.2016, which was approved by Respondent on 02.08.2016 with an estimated amount of Rs.50,13,332/- with work involvement of new overhead feeder having length of 10 KM of 100mm² Dog Conductor on 10 metre pole and new panel from 66KV Navagam sub-station. At the time of proposing the connection percentage HTVR goes to 5.66 % of 85 Amp proposed load. Appellant had paid the estimated amount on 09.09.2016 and connection was released on 31.01.2017.

3.2. Appellant had applied for additional load of 1000 KVA (1700 to 2700 KVA) on 22.12.2016 i.e. before release of 1700KVA load demand. Hence, for the same an estimate was issued to Appellant by

Respondent vide letter dated 21.01.2017, but same was not paid by Appellant.

Appellant had applied for additional load of 1000 KVA (1700 to 2700) on 24.04.2017 by paying registration charges of Rs.1000/-, which was approved by Respondent considering the then loading situation and considering load pattern of Appellant remain same as found in April,2017 and same was not paid by Appellant.

- 3.3. After releasing the load demand of 1700 KVA on 31.01.2017, Appellant had started actual load utilization from May,2017. Month-wise loading (maximum Amp.) was found as under:

Month	Loading (Max. Amp.)	Month	Loading (Max. Amp.)	Month	Loading (Max. Amp.)
May,2017	97	Aug.2017	102	Nov.2017	95
June,2017	90	Sept.2017	99	Dec.2017	99
July,2017	95	Oct.,2017	95	Jan.2018	108

Thereafter Appellant had applied for additional load of 2000 KVA (1700KVA to 3700 KVA) on 18.01.2018.

Technical feasibility was allowing additional load of 2000 KVA load demand from existing network i.e. 11KV United (HT Express) feeder from 66KV Navagam sub-station, having length of 10.8 KM and maximum loading established 102 Ampere and considering provision and norms of Supply Code, same is not within permissible limit. Therefore, as per Supply Code Notification No. 4 of 2015, Clause 4.82(1), Appellant was intimated vide letter No.1128 dated 01.02.2018 to go for higher voltage level.

- 4.82. The licensee's written intimation sent along with the demand note to the consumer shall cover the following:
- (1) Whether the additional power can be supplied at existing voltage or at a higher voltage;

Afterwards, Appellant had represented for some amicable solution for allowing the additional load demand on existing network without any financial burden in terms of line charges considering industrial growth and development. For the same he had submitted notarized consent

on 28.02.2018 requesting that if Respondent licensee allow additional load of 1000 KVA (same is not technical feasible on existing 11KV network) then Appellant will not raise any issue regarding low voltage, % HTVR and any issue thereof and also requested to allow 1000 KVA additional load demand.

For further 1000 KVA additional load demand on existing network, Appellant has given written consent dated 17.03.2018 for billing from sub-station end instead of Appellant end metering.

Supply Code 4 of 2015, Clause 6.7 read as under:

Clause 6.7: If supply to an HT/EHT consumer is given on an independent feeder for his exclusive use the metering arrangement shall be installed at the consumer's premises or, if mutually agreed, the metering arrangement at the sub-station of the licensee may be used for billing and no meter need be installed at the premises of the consumer.

So, considering written consent dated 17.03.2018 of Appellant and notarized consent dated 28.02.2018, to facilitate the Appellant, 1000 KVA additional load demand was approved from existing network as a special case, though technical parameter (%HTVR) was not within permissible limit.

Accordingly, after due consideration of the matter narrated above and approval of competent authority, additional 1000 KVA load demand was approved and estimate was issued to Appellant by Corporate Office vide letter No.637 dated 17.03.2018, having note as "The additional load is granted subject to undertaking and metering shall be carried out at Sub-station end."

In response to above, Appellant has made due payment of pro rata charges, security deposit etc., on 21.03.2018 and made an agreement on 23.03.2018. After that release order for releasing additional 1000 KVA (1700KVA to 2700KVA) was issued by Corporate Office of the Respondent vide letter No.714 dated 27.03.2018, having a remark that

“for 2700 KVA contract demand, metering will be carried out from Sub-station end.”

After submission of Test Report, additional load of 1000 KVA (1700KVA to 2700 KVA) was released as per the approval given and agreeable by Appellant.

- 3.4. As per the consent given by Appellant and as per the release order No.714 dated 27.03.2018, Respondent had started billing from Sub-station end metering instead of Appellant’s end metering from April,2018 to till date and Appellant has paid the same since April,2018. In October,2018, due to some unavailability of data, bill for the month of October,2018 was made wrongly on Appellant’s end metering and same was reviewed and revised at Sub-station end metering and revised bill was issued for the month of October,2018.
- 3.5. As narrated above, this is a unique/special case as per written consent of Appellant and as exploring Supply Code,2015 in the interest of Appellant. However, as per information such type of billing is also done in MGVCL in past in respect of M/s. Suraj Chemical.
- 3.6. As per GERC Notification No.9 of 2005, Chapter 5 “For any addition/alteration of network is required to be done for fulfilling the load demand charges to be paid by consumer/applicant.”
Moreover, as per GERC Notification No.10 of 2005, Clause 6.3 (C) “The licensee shall maintain voltage at point of commencement of supply to the consumer within limit i.e. in case of high voltage +6% and -9%.”
Considering above aspects, Respondent is exploring the technical feasibility at the time of approving new/additional load demand and review the technical parameter accordingly. For said matter same is considered also keeping the Supply Code 4 of 2015 for approving/allowing additional load demand.
- 3.7. For release of further 500KVA i.e. from 2700 KVA to 3200 KVA, Respondent has already approved conversion of existing 100 mm² DOG conductor to higher size cable for initial span of 6 KMs having size of 240 mm² XLPE underground cable of 11KV United HT Express

feeder emanating from 66KV Navagam sub-station and Corporate Office of Respondent has issued an estimate vide letter No.48 dated 04.01.2019 for the amount of Rs.14,76,979/- as a service connection charges. Appellant has made payment on 03.04.2019 under Option-2 i.e. work to be carried out by Appellant and same was completed on 29.06.2019 by Appellant.

- 3.8. Location of Appellant is situated in agriculture area. Respondent has already established line network in the said area for catering the agriculture load demand to that area in well in advance. On receipt of application of said industrial load demand at initial stage, Respondent had laid new feeder from 66KV Navagam sub-station as per provision of Supply Code. Considering future load demand, Respondent has processed for new 66KV Vasai sub-station and 66KV Paldi-Kankaj S/s as per Section 43 of Act,2003.
- 3.9. As per the representation of Appellant to Hon'ble Managing Director, Respondent has approved additional load of 500KVA (2700 to 3200 KVA) by opting the option of conversion of existing overhead HT line to higher size cable as a special case under stopgap arrangement till 66KV Vasai Sub-station is commissioned, which is 3 KM away from the location of Appellant.
- 3.10. As per subsequent request of Appellant and in the interest of Appellant, Respondent has approved billing for Appellant from Appellant's end metering instead of Sub-station end metering w.e.f. 10.06.2019 as line enhancement work is nearly completed.
- 3.11. Presentation of Appellant regarding % HTVR and voltage drop is not correct. Location of Appellant is 10.8 KM away from existing 66KV Sub-station, i.e. Appellant is located at tail end of 11KV feeder. % HTVR is calculated keeping in view to fulfill the requirement of GERC Notification No.10 of 2005, Clause No. 6.3.
- Representation of appellant is with interpreting norms wrongly and same is not as per Supply Code, 2015, Clause 4.1, 4.2, 4.3 and 4.4.

However, as per Supply Code, Clause 4.29, “In those cases, where prima facie at the stage of registration or at the time of inspection, it appears that the proposed connections may not be in compliance with applicable rules or standards or codes, the connection should be provided after securing necessary compliance. The distribution licensee shall make all possible endeavors to help the consumer to the extent practicable in securing the necessary compliance.”

Hence, it is orally explained to the Appellant regarding alternatives/ options for the said compliance of %HTVR. With no any financial burden, Appellant gave his consent for alternative/option of the meter at sub-station end and also gave the written consent against this option on 28.02.2018 and 17.03.2018. Also subject matter intimated clearly vide letter 637 dated 17.03.2018 and 714 dated 27.03.2018 and same was agreeable and accepted by consumer. So as mutually agreed Appellant, additional 1000 KVA load demand released on existing network without any due modification (for making technical parameter within limit as narrated above) and now after utilizing mutually agreeable terms, Appellant is differing and creating objections.

3.12. It is submitted that for calculating theoretical %HTVR, formula used is universal and non-discriminatory and as per engineering practices.

3.13. As per Section 43(2) it shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-station (1).

Provided that no person shall be entitled to demand, or to continue receive from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the appropriate Commission.

3.14. Clause No.4.3 of Supply Code 2015 is not fully quoted, entire Clause is reproduced here:

Clause 4.3: The licensee is responsible for ensuring that its distribution system is upgraded, extended and

strengthened to meet the demand for electricity in its area of supply. The cost of extension of distribution mains and extension/up-gradation of the system up to the point of supply for meeting demand of new consumers and the cost of extension of service connection from the distribution mains to the point of supply shall be levied as per the GERC (Licensee's Power to Recover Expenditure incurred in providing Supply and Other Miscellaneous Charges) Regulations, 2005 and amendments thereof.

- 3.15. From the above it is clear that Respondent has successfully adhered duty and responsibility as per Electricity Act,2003 and Supply Code,2015.

Respondent is helping the consumer as per Supply Code Clause No.4.29 and also giving guidelines to the consumers for securing necessary compliance for providing load extension as desired and requested by the consumers.

Supply Code 2015, Clause No.6.7 states as under.

“If supply to an HT/EHT consumer is given on an independent feeder for his exclusive use the metering arrangement shall be installed at the consumer's premises or, if mutually agreed, the metering arrangement at the sub-station of the licensee may be used for billing and no meter need be installed at the premises of the consumer.”

Therefore, Respondent follows the procedure and use the provision of Regulations in favour of Appellant to provide load demand of Appellant by all possible means.

- 3.16. The above subject matter reviewed by Managing Director of the Respondent company as well as EPD of GoG and Minister level also. On presentation of Appellant and after due overview, same was not allowed by any authority as action taken by Respondent in subject matter is as per present practice, norms of GERC Notification & Supply Code etc.

There is no provision in Supply Code and GERC notification to share differential unit between Appellant and Respondent in proportions to % HTVR. Hence prayer of Appellant is not as per GERC notification

and Supply Code. Therefore, it is not acceptable and must be rejected, because mutually agreed decision of metering at sub-station end is taken in favour of Appellant and in good faith at relevant point of time with providing guidance to Appellant.

- 3.17. CGRF has rightfully noted in its order vide No.1724 dated 04.06.2019 (without any error) that Appellant has the option to go for the higher voltage level. Respondent, proactively three times informed Appellant to go for higher voltage level i.e. EHT side 66KV for the compliance of %HTVR vide letter No.1128 dated 01.02.2018, letter No.12021 dated 29.10.2018 and reminder vide letter No.13287 dated 05.12.2018.

As per Section 43(2) and Supply Code provisional Code No.4.3, cost of extension of distribution network up to the point of supply is to be borne by the Appellant. Hence Appellant consent is required wherever options are to be given for compliance of Codes, Standards and Regulations. So, after explaining possible alternatives to meet the technical feasibility requirement, option may be materialized on which appellant give his consent or agreed upon. Further, while exploring options for compliance some new options may be arise during exploration, it does not mean or argue that why any particular option was not taken earlier.

So, representation made by Appellant that, so and so option was open to Respondent is not right and it is to be decided by Appellant how or by which option he may like to comply requirement of Act/Regulations.

- 3.18. Respondent follows the guideline as per Supply Code provisions including Clause No.4.29 to make technically feasible in favour of Appellant in order to provide load requirement of the Appellant and options fully explained to the Appellant and thereafter consent was taken as per Supply Code provision 6.7 without any financial burden on Appellant and in good faith. Therefore, it is far from the truth that consent is force consent and not against Act/GERC Rules/Regulations/Orders.

Also, in the latest consent given by the Appellant on 17.03.2018, it is clearly mentioned that Appellant has no objection for metering at sub-station end. After that only compliance of %HTVR is met and application was processed thereafter.

- 3.19. Respondent narrates the option of 66KV S/s to the Appellant to comply %HTVR and not processed directly for giving supply below 4000 KVA. With the oral consent of Appellant after explaining alternatives for technical feasibility, Respondent has taken positive action and proposed 240 mm² HT cable for only 6 KM length instead of 10.8 KM whole length of feeder to save expense of Appellant and meet his additional load requirement, at the same time to meet %HTVR as per requirement of rules/regulations.

It is far from the truth that consent taken earlier was forced consent, but it is taken to meet the low cost option selected by Appellant for load extension of 1000 KVA to meet %HTVR requirement.

- 3.20. It is rightly mentioned by CGRF in its order that “There is no provision in any GERC Regulation that in the event of higher percentage of HTVR, Appellant will be billed up to 9% HTVR and rest will be borne by the Licensee.”

Moreover, further load demand utilized by Appellant or further future load demand is not possible to cater from existing network. This can be catered either by replacement of existing/remaining 100 mm² DOG conductor by 240 mm² UG XLPE cable up to %HTVR within limit or opting higher voltage level, i.e. 66KV which is only after due payment. Demand of sharing differential units in proportion to %HTVR to be borne by Respondent is not acceptable and must be rejected as per norms.

::: ORDER :::

- 4.0.** I have considered the contentions of the Appellant and the contentions of Respondent and the facts, statistics and relevant papers, which are on record, and considering them in detail, my findings are as under.

- 4.1. The present subject issue is related with additional load requirement of Appellant in his existing HT connection No. 18934 and billing made by Respondent with getting consent of Appellant for installing meter at sub-station end.
- 4.2. The factual history of the case of Appellant is as under.
- (A) Appellant had initially applied for 1700 KVA on 29.06.2016 at village Timba, Taluka Dascroi, District Ahmedbad. Estimate for the same was paid on 09.09.2016. Work proposed and involved for providing electric supply to Appellant is as under:
11KV overhead HT line with DOG conductor: 10 KM tapping from nearby 66KV Navagam sub-station.
11KV separate feeder (Express feeder) was proposed with 85 Amp loading and calculated percentage HTVR at tail end 5.66%. The electric connection was released on 31.01.2017.
- (B) Prior to release of said HT connection, Appellant vide application dated 22.12.2016 had applied for additional load for 1000 KVA, i.e. $1700+1000 = 2700$ KVA, for which estimate was issued on 21.01.2017, which was not paid by Appellant.
- (C) Again vide application dated 24.04.2017, Appellant had applied for additional load of 1000 KVA, i.e. $1700 + 1000 = 2700$ KVA, by paying registration charges of Rs.1000/-. Respondent had approved the said application and issued an estimate, which was not paid by Appellant.
- (D) On 18.01.2018 Appellant had applied for additional load of 2000 KVA, i.e. $1700+2000 = 3700$ KVA. Technical feasibility was worked out by Respondent on existing network. Considering the additional load demand of 2000 KVA, i.e. total 3700 KVA, on 11KV HT Express feeder, having length of 10.8 KM, with maximum Amp of 102 Amp, proposed load demand was not found permissible as per technical ground as enumerated in Supply Code,2015, and therefore Respondent, vide letter dated

01.02.2018, had intimated Appellant to opt for higher voltage class (EHT connection) to avail demanded load.

- (E) Vide letter dated 01.02.2018, Respondent had intimated Appellant the technical grounds as per requirement of additional load of 2000 KVA.

The % HTVR on 11KV HT Express feeder from 66KV Navagam Sub-station comes to 13.45%. Therefore, 600KVA additional demand can be feasible and catered from the existing network with criteria of %HTVR as per norms. It was also informed to apply for EHT connection on technical feasibility ground.

- (F) Vide letter dated 06.02.2018 Appellant had submitted that expansion of factory is on way and Appellant is in need of 2000 KVA additional load demand immediately. Appellant had given consent that he would be responsible for any damages/losses to any equipment of factory due to supply of power.

Again on 17.03.2018, Appellant had given consent for granting 1000 KVA additional load demand on the ground of %HTVR and losses on the feeder. Appellant had given consent for billing at sub-station end by installing meter at sub-station end.

- (G) After getting consent of Appellant, load of 1000 KVA has been approved by Respondent as a special case even though %HTVR is of 10.93%. Estimate for the same was issued on 17.03.2018 mentioning that “the additional load is granted subject to undertaking that metering shall be carried out at sub-station end.” In the said proposal of additional load of 1000 KVA, proposed 50 Amp loading in existing maximum ampere loading on feeder of 102 Amp and %HTVR calculated 10.93%.

Appellant had paid the estimated amount on 21.03.2018. Released order was issued on 27.03.2018 mentioning that metering will be carried out at sub-station end for 2700 KVA.

Additional load of 1000 KVA, total 2700 KVA, was released on 03.04.2018.

- (H) Respondent had started billing at sub-station end meter from April,2018. In the month of October,2018, billing was made wrongly with meter at consumer end due to non-availability of data at sub-station end and afterword revised bill with sub-station meter data was issued to Appellant.
- (I) On 10.11.2018 Appellant had applied for 500 KVA additional load (2700 + 500), i.e. total 3200 KVA. On the ground of permissible limit of %HTVR, Respondent had intimated Appellant accordingly vide letter dated 29.10.2018 and 05.12.2018.
- (J) Due to time and again representation and request to M.D. of Respondent by Appellant, technical feasibility with option of conversion of overhead line to underground cable line i.e. 240 sq.mm XLPE cable of span of 6 KM has been proposed on 11KV HT Express feeder from 66KV Navagam Sub-station, observing %HTVR within permissible limit and accorded approval. Estimate was issued for further 500 KVA additional load on 04.01.2019 mentioning that after completion of proposed work and at the time of actual release of additional load of 500KVA, total 3200 KVA contract demand, the metering will be done from consumer end instead of sub-station end.
Estimate was paid on 03.04.2019 under Option-2 i.e. work to be carried out by Appellant.

4.3. The argument made by Appellant in regard to development of electrical infrastructure quoting section 42(1) and 43 of Electricity Act,2003. The relevant section needs to be read as under:

Section 42. (Duties of distribution licensee and open access):

- (1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

Section 43. (Duty to supply on request):

- (1) [Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any

premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply: Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission.

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

- (2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

In this case, Appellant is a consumer of Respondent and getting electric supply for its industrial connection located at area surrounded by agriculture land, wherein electric network has been established for catering agriculture consumers also. For providing electric supply to Appellant, Respondent had developed electric network as per demand of Appellant for industrial purpose at initial stage with observing economical view for distribution system and maintenance of the same. Appellant is getting electric supply through 11KV Express feeder from nearby 66KV Navagam Sub-station. This is a case in which Appellant has made expansion in his factory and asked additional load demand. Prior to release of initial connection, Appellant had not paid estimated amount for additional load demand of 1000 KVA. This shows clear intention of Appellant to have requirement of 2700 KVA and more.

Co-jointly reading of above sections of Electricity Act,2003, in case of requirement of additional load of Appellant, extension of distribution system/commissioning of new sub-station are options available, which Respondent had informed at point of time when Appellant had

applied for additional load demand of 2000 KVA. Therefore, on above observations, Respondent had pointed out provision 4.82 of Supply Code,2015 and informed Appellant to opt higher voltage class for requirement of additional load demand. Looking to that, action taken by Respondent seems to be in accordance with the above Sections and correct.

4.4. Appellant has raised a question in regard to %HTVR and calculation methodology of %HTVR and denial of connection/additional load in pretext of %HTVR.

(a) Section 50 of Electricity Act,2003 empowers GERC to frame Supply Code Regulations. GERC has published Supply Code Regulations,2015 w.e.f. 24.09.2015.

Clause 4.1 states as under: Licensee's obligation to supply:

The licensee shall, on an application by the owner or occupier of any premises located in his area of supply, give supply of electricity to such premises within the time specified in the GERC (Standard of Performance of Distribution Licensee) Regulations 2005, as amended from time to time, provided;

- (1) the supply of power is technically feasible;
- (2) the applicant has observed the procedure specified in this Code; and
- (3) the applicant agrees to bear the cost of supply and services as specified in the GERC (Licensee's Power to Recover expenditure incurred in Providing Electric Supply and Other Miscellaneous Charges) Regulations, 2005 and amendments thereof.

(b) Licensee's power to recover expenditure incurred in providing electric supply and other miscellaneous charges. Notification No.9/2005, Chapter-V, Clause-5 states above provisions for High Tension/Extra High Tension supply.

CHAPTER - V :

5. PROVISION FOR HIGH TENSION / EXTRA HIGH TENSION SUPPLY

- (i) In case of applications where there is a need to erect a new HT line or EHT line from the sub-station or extend the existing HT or EHT line or strengthening of existing HT or EHT line in order to extend supply to the applicants, the Distribution Licensee, on its own in case of HT, and in co-ordination with Transmission Licensee in case of EHT, shall prepare an

estimate of the cost of aforementioned work including the cost of terminal and metering arrangements at the premises of the consumer, but not including the cost of meter. Such estimate shall be based on the latest cost data as published by the Distribution Licensee and/or Transmission Licensee.

(ii) In case of applications where there is a need to erect a new sub-station for extending supply to the applicant, the Distribution Licensee, on its own or in co-ordination with Transmission Licensee, shall prepare an estimate of the cost of the necessary works in the same way as indicated in sub-clause 4.2 (i) above. In cases of applications when the capacity of existing substation is required to be augmented, the differential cost of existing and new such electrical plant will form the basis of calculation of pro-rata charges. The estimate of the cost of such substation shall be based on the latest cost data as published by the Distribution Licensee and/or the Transmission Licensee.

(c) GERC has specified that licensee shall maintain the voltages at the point of commencement of supply to a consumer in the range of +6% to -9% in case of 11KV. GERC has allowed voltage variations vide Notification No.10 of 2005 (Standard of Performance Notification) as under:

6.3: The licensee shall maintain the voltages at the point of commencement of supply to a consumer within the limits stipulated hereunder, with reference to declared voltage:

(a) In the case of low voltage, +6% & -6%.

(b) In the case of High Voltage, +6% & -9%.

(c) In the case of Extra High Voltage, +10% & -12.5%

The complaint regarding low voltage arising due to inadequacy in the distribution system requiring upgradation of LT distribution lines, transformers or installation of capacitors shall be resolved within 60 days and where upgradation of HT/EHT system is require, the complaint shall be resolved within 180 days. The complainants shall be informed in writing.

(d) The Voltage Regulation criteria and technical feasibility to provide additional load in particular this case is related as far

as technical view of voltage drop in the distribution system is concerned.

“In electric power distribution system, voltage drop depends upon numerous factors. The type and nature of conductor, the size of conductor and the length of circuit are the few out of many. The supply of conductor, if not of reasonable size, will cause excessive voltage drop in an electrical circuit. The voltage drop is indirect proportion to the circuit length. Proper starting and running of motors, lighting equipment and other load having in rush current should be considered.”

Voltage Regulation for 11KV, 22KV and 33KV overhead line calculated as per standard engineering practise.

$$\% \text{ Voltage Regulation} = (1.06 \times P \times L \times PF) / LDF \times RC \times DF$$

where

P = Total Power in KVA

L = Total length of line from power sending to receiving in KM.

PF = Power Factor

RC = Regulation constant (KVA-KM) per 1% drop.

LDF = Load Distribution Factor.

DF = Diversity Factor

%HTVR calculation made as per the standard formula as prescribed by Respondent to ascertain the value of Voltage Regulation. Therefore, in that issue, there is no ground to suspect the methodology for calculation of %HTVR.

Further, GERC Regulation also specifies the limit of %HTVR as per Clause 6.3 of Notification 10 of 2005 as mentioned in above Para No.4.4(c).

Technical feasibility of any electrical system is a broad view and to be decided by the DISCOM looking to various factors affecting the electrical system. Even Distribution Code

Notification No. 6 of 2004 also suggest the guideline for development of electric network, which are as under.

Distribution System Planning and Security Standards:

4.0 PLANNING PROCEDURE:

4.1: The Distribution System shall be planned and developed in such a way that the system should be capable of catering the requirement of all categories of Consumers with a safe, reliable, economical and quality supply of electricity as indicated in clause 2.0 of this section. However, the Consumer shall extend full support to the Distribution Licensee to enable the Distribution Licensee for quality supply of electricity. The Distribution System shall conform to the statutory requirements of all the relevant code, standards and acts in force.

5.0: SERVICE AREA OF A DISTRIBUTION NETWORK

5.1: The service area of a distribution network is an area in which the load is supplied by a substation by one or more number of feeders, as required. The distribution network fed from the distribution transformers and the substations from which the 11 kV feeders emanate shall be initially planned as independent networks within their respective service area. Further, wherever possible, provision shall be made for interconnection with adjacent networks and/or substations for an alternate supply in case of failure. The design of distribution lines shall incorporate features to enable their augmentation in future, with minimum interruption to power supply. The existing right of way shall be fully exploited.

5.2: The Distribution Licensee shall take suitable measures, sufficiently in advance, to augment the capacity of the feeders in the event the voltage regulation limit is exceeded within the area.

5.3: Appropriate software to compute the design of the Distribution network shall be used to obtain lowest possible energy losses for different loading conditions for the following:

- (a) The location and the capacity of the distribution transformers;
- (b) Routing of LV and HV networks;
- (c) The sizes of conductors;
- (d) The ratio of the lengths of HT and LT distribution lines for the new lines planned shall be optimised and the existing Distribution System shall be modified in a phased manner to reduce the distribution losses.
- (e) The voltage regulation limits for all loading conditions.

Respondent has to monitor and control of voltage, frequency and power factor as per Distribution Code.

The distribution licensee shall monitor the voltage, frequency and power factor in the Distribution System at different points at peak and off-peak hours and take reasonable measures for improvement of the same in co-ordination with the Users.

In view of above provisions, Respondent had taken a ground of %HTVR under technical feasibility for providing additional load demand to Appellant, which seems to be technically correct and argument of Appellant in this regard is not valid and not maintainable.

- 4.5. CGRF, in its order Para 3.25 has noted voltage drop level of 11KV HT Express Feeder of Appellant, observing consumer end voltage with MRI and sub-station end voltage level, which are beyond limit, i.e. more than 9%.

Similarly, in the proposal of amicable solution, Appellant had indirectly accepted the higher value of %HTVR and hence proposed an option as per prayer.

Even as per Annexure-I, value of voltage and %HTVR highlighted by appellant at sub-station end and consumer end but actual loading at each point of time was not elaborated so that variations in HTVR with loading of utilization of demand can be seen at each point of time. Of course, loading is variable and so %HTVR.

- 4.6. CGRF, in its order Para No.3.11.3 has also recorded consent given by appellant while demanding additional load in existing HT connection. In consent letter, Appellant has submitted that he is in urgent need of 2000 KVA load demand. If Respondent allows 1000 KVA additional load demand, Appellant will not raise any issue regarding low voltage, %HTVR and will bear any loss on account of low voltage. From the consent presented by Appellant at the time of asking additional load demand and prior to that intimation regarding change in class of voltage supply has been briefed by Respondent to avail further additional load from existing electric network. Viewing same together,

additional load demand of Appellant on 11KV HT Express feeder could not be feasible on technical ground at relevant point of time and as per request of Appellant and submission of consent for billing at sub-station end, under special circumstances, approval for additional load could have been granted.

Further, it is viewed that initial requirement of 2000 KVA load demand and subsequent granting of 1000 KVA load demand, knowing the facts of upgradation network and class of distribution system, Appellant had asked 500 KVA load demand, total 3200 KVA demand to avoid upgradation of class of voltage system. In 500 KVA additional demand, Respondent had granted approval with conversion of overhead HT line to underground cable with 240 sq.mm. XLPE cable to come down voltage drop level at tail end i.e. within permissible limit of %HTVR as specified as per Regulation.

In granting of approval for above additional load it is viewed that Respondent had made possible endeavours to help the Appellant as practicable in securing requirement of Appellant including avoiding financial burden to Appellant for change in class of voltage supply.

Respondent had utilized alternate economical solution to avoid laying of 66KV line and sub-station with reasonable expenditure. Although as per original requirement i.e. 1700KVA + 2000 KVA, total 3700KVA load demand of Appellant and existing infrastructure of Respondent near location of Appellant, Respondent had intimated Appellant for change in class of supply and to opt appropriate class of voltage for getting supply, but since beginning it seems that has been avoided by Appellant.

- 4.7. Respondent had received consent of Appellant while approving partial additional load demand of Appellant relying on provision of Clause 6.7 of Supply Code,2015, which is as under:

6.7. If supply to an HT/EHT consumer is given on an independent feeder for his exclusive use the metering arrangement shall be installed at the consumer's premises or, if mutually agreed, the

metering arrangement at the sub-station of the licensee may be used for billing and no meter need be installed at the premises of the consumer.

Appellant is getting electric supply from HT Express feeder. At initial level at time of 1700 KVA contracted demand, metering point was at consumer end, while granting the partial additional load to Appellant on ground of %HTVR, technical feasibility issue, metering point from consumer end to sub-station end has been consented by Appellant, mentioning any losses to be borne by him and availed additional load demand, totalling 2700 KVA. Respondent had started billing with metering at sub-station end w.e.f. April,2018 when bill of October,2018 received with metering data at consumer end and later on billing was revised by Respondent with metering data at Sub-station end. Thereafter, Appellant had raised the present issue of metering at sub-station end on ground of monetary benefit, though Appellant had already consented for billing at sub-station end while getting additional load requirement.

This is a special case in which, Appellant had been initially told by Respondent to opt appropriate class of voltage level but to remain in existing class of voltage level with availing its requirement of additional load necessary consent for metering at sub-station end instead of consumer end was given. Respondent had granted request of Appellant for additional load with sharing technical losses of electric network to Appellant based on consent of Appellant. In such type of case, Respondent cannot grant any individual service related request on account of losses sharing to mass of its consumer, being Government entity. The observations of whole issue and grounds posted by Appellant is after availing benefit at relevant point of time. Respondent should also have to adhere with provisions of Supply Code in right spirit to avoid such type of subject issues.

4.8. In granting additional load of 500 KVA, total 3200 KVA, with alternate technical feasible ground, provisions of required underground network, to make %HTVR within limit with option of work to be done by appellant and change the metering point again at consumer end from sub-station end. As per the argument made by Appellant that without total completion of proposed work Respondent had changed the metering point from sub-station end to consumer end. In this case, it is viewed that again Respondent has shown consumer friendly approach and Appellant had pointed out such kindness of Respondent to avail the undue benefit in the billing system.

In this regard, Respondent is directed to make billing of Appellant with metering point at sub-station end till physical release of additional load of 500 KVA with completion of proposed work of electric network.

4.9. To share differential units in proportion to %HTVR to be borne by Respondent and attributable to Appellant for the period April,2018 to 09.06.2019, means sharing of units on part of %HTVR ground to Respondent and that to other mass of consumer of Respondent on simply avoiding to opt higher class of voltage by Appellant to get additional load demand is not naturally justified.

Observing above mentioned view, the request of Appellant as prayed in Para No.2.14 is not in accordance with applicable provisions/rules/regulations made by GERC, hence it is rejected.

4.10. I order accordingly.

4.11. No order as to costs.

4.12. With this order, representation/Application stands disposed of.

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.
Date:12.09.2019.