

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

CASE NO.71/2019

Appellant: M/s. Vandhiya Salt Works
11, Sahil Apartment, Plot No.17/18, Sector-9
P.O.Box No.233, Gandhidham-370201(Kutchh)

Represented by: Shri Vijaykumar Jain, Manager
Shri Lalit Vanjani, Authorized representative

V/s.

Respondent: Executive Engineer
Paschim Gujarat Vij Company Limited
Division Office, Bhachau-370140.

Represented by: Shri J.Yeswantha Rao, EE, PGVCL, Bhachau.

:::PROCEEDINGS:::

- 1.0.** The Appellant had submitted representation aggrieving with the order No.105 dated 31.05.2019 passed by the Consumer Grievances Redressal Forum, Paschim Gujarat Vij Company Limited, Bhuj, in case No.PG01/008/2019-20. The representation was registered at this office as Case No.71/2019. The hearing of this case was kept on 22.08.2019.
- 2.0.** Appellant has represented the case as under.
 - 2.1.** Appellant is a HT consumer, located at LS No.1336p at village Vandhiya of Bhachau Taluka. The connection was released in June,2013 in the name of M/s. Vandhiya Salt Works, having contracted demand of 150 KVA. Appellant is a very small scale industry and doing the manufacturing and process of washing of the raw salt manufactured by his Salt pans.
 - 2.2.** Appellant had received an estimate from Respondent, amounting to Rs.57,23,572/- vide letter No.4130 dated 29.06.2018 in lieu of enhancing contracted demand from 150 KVA to 230 KVA, wherein

the Supply Code,2015, Clause No. 4.95 was referred. The estimate is issued due to crossing of maximum demand greater than the contracted demand for more than four times during the year 2017-18.

- 2.3. Respondent has issued an estimate charging an amount of Rs.54,51,046/- towards conversion of 11KV line conductor from 55 sq.mm. to 100 sq.mm. Respondent, vide letter No.1922 dated 08.04.2019 had informed Appellant to make the payment latest by 10.04.2019 otherwise connection will be disconnected.
- 2.4. It is submitted that Appellant being a consumer of the Respondent company agree to abide by the norms governing the HT power supply, but it is the prime duty of Respondent to make any HT consumer aware of any changes in the norms. Had Appellant been made aware to restrict his maximum demand as per his contracted demand then Appellant would not have landed in the current situation.
- 2.5. It is submitted that why only single consumer should be levied with the entire feeder augmentation charges? Appellant has stated that to verify the details of HT/LT consumers existing on 11KV Jangi JGY feeder, i.e. whether any consumer has crossed the Maximum Demand more than four times and if any other HT consumer has crossed the MD more than four times, then Respondent should consider to divide the expense of the line charge for augmentation of feeder equally on the pro rata basis to such consumers.
- 2.6. It is submitted that 11KV Jangi feeder being a lengthy feeder is already proposed for bifurcation and the bifurcated feeder shall be emanated from the newly constructed 66KV Shikharpur sub-station of which the construction work is on the verge of completion and commission of this sub-station shall be done in near future. This point was already represented before CGRF and at point No.6.2, CGRF has pointed out that as per the report of

EE, Bhachau the commissioning of new 66KV Sub-station will be done within two months from the date of the order passed by CGRF, i.e. latest by 31.07.2019 and that 11KV Jangi JGY feeder will be converted into two new feeders which will emanate from the proposed 66KV Shikharpur sub-station.

- 2.7. The plant of a Appellant is a seasonal washery plant which literally comes to a standstill during the monsoon season i.e. from July to October the plant is not operational. The main motor of washery plant is 90 HP which runs for only 90 to 100 days in a year. Other than that the connected load comprises of a pumping motor rated at 40 HP which is very rarely used to pump in the sea water whenever required. The other 15 motors are rated at 5 HP and one mono-block motor of 7.5 HP. Appellant is facing very large number of interruptions in power supply on 11KV Jangi JGY feeder and for that records of same are produced.
- 2.8. Appellant has minimized his usage of the load since he received the first notice from Respondent vide letter dated 08.03.2019. Appellant has intentionally reduced the usage of motors so that even in any event of a Transient Tripping, the sudden inrush of the current should be at a minimal level in order that maximum demand is not affected and that the load remains within the permissible limit of contracted demand.
- 2.9. Appellant was directed to restrict his contract demand within the permissible limit and he has maintained the same. The details of actual maximum demand for the year 2017-18, 2018-19 and current year 2019-20 are as under:

Financial Year 2017-18.						
Sr. No.	Month/year	C.D. in KVA	Actual M.D. in KVA	Billing demand in KVA	Excess demand in KVA	Remarks
1	Apr.2017	150	217	217	67	
2	May,2017	150	214	214	64	
3	June,2017	150	228	228	78	
4	July,2017	150	0	128	0	
5	Aug.2017	150	0	128	0	

6	Sept.2017	150	0	128	0	
7	Oct.2017	150	77	128	0	
8	Nov.2017	150	128	128	0	
9	Dec.2017	150	139	139	0	
10	Jan.2018	150	179	179	29	
11	Feb.2018	150	169	169	19	
12	Mar.,2018	150	151	151	1	WPL of 5%

5 instances of AMD crossing the C.D.

Financial Year 2018-19.						
Sr. No.	Month/ year	C.D. (KVA)	Actual M.D. (KVA)	Billing demand (KVA)	Excess demand (KVA)	Remarks
1	Apr.2018	150	204	204	54	
2	May,2018	150	215	215	65	
3	June,2018	150	215	215	65	Month in which LE estimate was served on 29.06.18
4	July,2018	150	128	128	0	
5	Aug.2018	150	127	128	0	
6	Sept.2018	150	118	128	0	
7	Oct.2018	150	174	174	24	
8	Nov.2018	150	144	144	0	
9	Dec.2018	150	134	134	0	
10	Jan.2019	150	158	158	8	WPL of 5%
11	Feb.2019	150	142	142	0	
12	Mar.,2019	150	142			

4 instances of AMD crossing the C.D.

Financial Year 2019-20.					
Sr. No.	Month/year	C.D. (KVA)	Actual M.D. (KVA)	Billing demand(KVA)	Excess demand (KVA)
1	Apr.2019	230	150	196	0
2	May,2019	230	141	196	0
3	June,2019	230	0	196	0
4	July,2019	230	132	196	0

Remarks: CD is revised from 150 KVA to 230 KVA after the Debit of Suo moto estimate charges in energy bill. No any instance of AMD crossing the CD (of original 150 KVA).

From the above it is imperative to mention that Appellant received the Suo moto estimate on 29.06.2018. Immediately realizing the extent of penalized estimate, Appellant acted upon it and restricted his demand. There was only one instance of

overshooting of the MD than CD in the month of October,2018. After that Appellant has never crossed M.D. than the CD. All the times when Appellant received penalty towards the crossing of MD than CD, he had always paid the penalties. Appellant has requested not to impose Suo moto estimate and to withdraw the same from the energy bill.

2.10. As stated in CGRF order:

Respondent is directed to give two months notice time limit extension from the date of order for the payment of estimate. The said date is liable to get over on 31st July-19. Appellant humbly pray that he has abided by the CGRF order – Appellant has maintained his actual MD within control and it has not crossed his original MD of 150 KVA even.

Secondly, CGRF has truly agreed that the Suo moto estimate served to Appellant is exorbitantly high for a small scale industry, for which Respondent is directed to decide new feasibility after commissioning of new 66KV Shikharpur sub-station. In lieu of this, Appellant wish to state that till date he has not received any communication from Respondent. Although Appellant had written a letter to EE, PGVCL, Bhachau vide letter dated 27.06.2019 and the same was endorsed to your good office and CGRF, Bhuj forum. In this regards, Appellant once again would like to know the current status about the commissioning of the new 66KV Shikharpur sub-station on the basis of which his new feasibility will be ascertained by Respondent.

2.11. Appellant has requested that he being a very small scale industry is unable to bear such a huge expenditure. Appellant has maintained his actual MD within the said original CD of 150 KVA and he has promised to continue maintain the same. Appellant has requested to direct the Respondent to withdraw the estimate and issue a fresh estimate which he is ready to pay and till that time the connection should not be disconnected.

- 2.12. Vide letter dated 14.08.2019, Appellant has requested Respondent to issue revised estimate as per directives of CGRF. Appellant has maintained Contract Demand well within the limit and promised to abide by the said CGRF order till an amicable solution is derived.
- 2.13. During the hearing on 22.08.2019, Appellant has submitted letter and stated that he has registered his contract demand within a limit of 150 KVA and latest energy bill for the month of August,2019 shown. Appellant has further referred similar type of judgement of Ombudsman in respect of M/s. Srss Agro in which Appellant was given a chance to restrict the maximum demand and the Respondent was directed to carry out survey work from the newly developed infrastructure. New 66KV Shikharpur sub-station is already constructed completely and waiting for commissioning purpose as said by Appellant. In that situation sympathetic view in case of Appellant similar to M/s. Srss Agro may be granted as Appellant is ready to accept additional load and also ready to pay normal estimate from newly erected infrastructure and till that time appellant will maintain contract demand within limit.
- 3.0.** Respondent has represented the case as under.
- 3.1. The Appellant has violated the contracted demand for four times during April,2017 to March,2018.
- 3.2. Respondent vide letter No.131 dated 10.01.2017, 738 dated 14.02.2017, 3216 dated 01.07.2017 and 643 dated 05.02.2018 has informed Appellant for enhancement of load as he has drawn more demand against the contracted demand.
- 3.3. After getting approval from Circle Office, Anjar, with reference to GERC Supply Code,2015, Clause No. 4.95, Respondent had issued an estimate of Rs.57,23,572/- to Appellant vide letter No.2384 dated 17.05.2018 but as Appellant had not accepted,

new estimate was issued vide letter No.4130 dated 28.06.2018 and last date for payment was 27.07.2018.

- 3.4. Appellant has not paid the estimated amount till last date, so as per GERC Supply Code,2015, Clause No.4.95, the estimated amount is debited in the Appellant's energy bill and issued the bill on 16.03.2019.
- 3.5. As per application dated 25.03.2019 of Appellant, final notice was issued to him vide letter No.1732 dated 01.04.2019 and letter No.1922 dated 08.04.2019. Disconnection notice was issued to Appellant vide letter No.1946 dated 11.04.2019.
- 3.6. Appellant had approached CGRF and promised that decision of CGRF would be abided by him.
- 3.7. As per GERC Supply Code,2015, Clause No.4.97, Appellant had approached CGRF hence disconnection was not done. CGRF has given two months' time limit to Appellant for making the payment of estimate.

::: 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. Appellant is HT consumer, bearing connection No.32408, situated at L.S.No.1336p at village Vandhiya, Taluka Bhachau, having contract demand of 150 KVA. The connection was released in the year 2003.
- 4.2. As per Para 3.2, Respondent had issued a notice to Appellant intimating to control his maximum demand within limit or to ask additional load demand. Appellant has also confirmed that he had violated the conditions of Supply Code,2015 by utilising maximum demand i.e. more than 5% of contract demand five times in financial year 2017-18 and four times in the financial year 2018-19.

4.3. As Appellant had not controlled his contract demand, Respondent has processed the Suo moto proceedings as per Clause No.4.95 of Supply Code,2015 and issued an estimate of Rs. 57,23,572/- vide letter dated 17.05.2018 to Appellant. In estimate Respondent had granted additional load demand of 80 KVA from 11KV Jangi JGY feeder with proposing augmentation of existing 55 Sq.mm² AAA conductor to 100 sq.mm² DOG conductor for 23.4 KMs length, as per technical feasibility ground.

Appellant had made objection for payment of huge estimate for load demand of 80 KVA in his HT connection and requested to Respondent to find out another alternative and later on filed grievance to CGRF.

4.4. While dealing with grievance, CGRF had observed in Para 6.2 as under.

It is reported by EE, PGVCL, Bhachau that new 66KV Shikharpur sub-station nearby this area is likely to be commissioned within two months. After commissioning of this sub-station, 11KV Jangi JGY feeder will be converted in to two new feeders which will emanate from proposed 66KV Shikharpur Sub-station. Considering exorbitant estimate for only 80 KVA load extension and written promise given by consumer to restrict his maximum demand within contractual limit, CGRF hereby conclude as under:

- Considering present situation, PGVCL has observed proper norms to prepare estimate as there is no provision to recover proportionate line charges from this consumer.
- Consumer is hereby directed to restrict his demand within contract demand failing which consumer is supposed to pay estimate as per PGCL norms.
- As estimate is exorbitantly high for small scale industry, PGVCL may decide new feasibility after commissioning of new 66KV Shikharpur sub-station.

- PGVCL is directed to give two months time limit from the date of order for payment of estimate.
- If consumer fails to restrict his maximum demand within contract demand, PGVCL is directed to disconnect the connection after issue of disconnection notice as per norms.
- The present petition filed by the Applicant to withdraw the estimate issued by PGVCL for enhancement of load cannot be entertained until other technical feasibility is established.

4.5. In the appeal, Appellant has prayed to continue electricity supply from the existing network till new proposed sub-station is established. Further, Appellant has shown his ability for payment of estimated amount by carrying out resurvey work from newly erected/ commissioned 66KV Shikharpur sub-station to location of Appellant and given consent for controlling his contract demand.

After issuance of CGRF order, Appellant has controlled his contract demand as per records submitted by parties.

4.6. The limited issue here involved is to grant additional load to Appellant as per Suo moto proceedings initiated by Respondent in lieu of maximum demand recorded by Appellant during financial year 2017-18 and financial year 2018-19.

The present proposal of Respondent to cater additional load demand of 80 KVA from existing network i.e. from 11KV Jangi JGY feeder, conversion of 55 sq.mm² AAA conductor to 100 sq.mm² DOG conductor of 23.4 KMs to get technical feasibility as per norms which has costing to huge estimated amount to be borne by Appellant for 80 KVA additional load demand.

On other side, Respondent and Appellant both have pointed out new 66KV Shikharpur sub-station on verge of commissioning and thereby long length of 11KV feeder elimination/curtailment from existing 66KV sub-station is possible with reduction of length of

line and load centre view point to have reduction of technical losses.

4.7. Earlier, as per Para No.2.13, in similar type of case, view had been taken and granted time period to said Appellant, for payment of revised estimate from newly commissioned 66KV sub-station and till that time, to control the contract demand. The said view hereunder in this case is applicable to justify the argument of Appellant as far as the technical feasibility of electrical system is concerned.

4.8. On taking sympathetic view, as well as technical ground as mentioned above, Appellant is directed to control his contracted demand within limit. If Appellant fails to restrict his contracted demand, then in that case Respondent is directed to take requisite action after observing necessary formalities as per norms.

Respondent is also directed to grant additional load demand of Appellant after completion of above mentioned work of infrastructure with observing necessary technical formalities.

Compliance may be reported to this office within 60 days.

4.9. I order accordingly.

4.10. No order as to costs.

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

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.
Date:27.09.2019.