

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

**CASE NO. 17/2018**

**Appellant:** M/s. K.B. Ispat Pvt. Ltd.,  
Tirupati House, Plot No.93/A, Geeta Chowk  
BHAVNAGAR-364001.  
**Represented by:** Shri Vikrambhai Shah, Authorized representative

**V/s.**

**Respondent:** Executive Engineer,  
Paschim Gujarat Vij Company Limited  
Rural Division Office, Power House Compound  
Bhavnagar-364001.  
**Represented by:** Shri N.K.Chudasama, EE, PGVCL, Bhavnagar  
Shri Y.B.Baraiya, DE, PGVCL, Bhavnagar

**:::PROCEEDINGS:::**

- 1.0.** The Appellant had submitted representation aggrieving with the order No.336 dated 19.01.2018 passed by the Consumer Grievances Redressal Forum, Paschim Gujarat Vij Company Limited, Bhavnagar, in case No.92/2017-18. The representation was registered at this office as Case No.17/2018. The hearing was kept on 06.03.2018.
- 2.0.** During hearing Appellant has represented as under.
  - 2.1.** Appellant is manufacturing MS billet from metal scrap by melting process. Appellant has opted HTP-IV tariff and he is taking production between 22.00 hours to 06.00 hours.  
The bill for the month of January,2017 was issued under HTP-IV tariff but the demand charge is collected with rate equivalent to HTP-I tariff under penalty condition of HTP-IV tariff.
  - 2.2.** Appellant had filed grievance before CGRF, PGVCL, Bhavnagar. CGRF has denied the plea of Appellant and aggrieved by order passed by CGRF, Appellant has filed the present representation. Appellant has paid bill amount under protest and stated that there is no any outstanding amount related to this issue.

- 2.3. It is submitted that Appellant is EHT consumer bearing consumer No.24031 of PGVCL, Bhavnagar Rural Division office, having contracted demand of 11500 KVA under HTP-IV tariff. Appellant was having connection with 4000 KVA demand at 11KV side and contracted demand is extended to 11500 KVA at 66KV side on 09.01.2017.
- 2.4. Appellant had received the bill for January,2017 with HTP-IV tariff but demand charge was billed under HTP-I tariff. As per MRI data demand has crossed the scheduled demand after date of extension of load and bill is issued by Respondent accordingly. For revision of bill for January,2017, Appellant has made various arguments.
- 2.5. Appellant has pointed out the conditions of HTP-IV tariff as published in tariff order and stated that monthly bill under HTP-IV tariff was received but demand charge is calculated under HTP-I tariff, resulting in a loss of Rs. 30 lakhs.
- (1) The contract demand of Appellant is increased from 4000 KVA to 11500 KVA from 09.01.2017. As per condition of supply Appellant has made new agreement and accordingly the bill is divided in two parts, one part with 4000 KVA contract demand up to 8<sup>th</sup> January,2017 and second part with 11500 KVA contract demand from 09.01.2017 to 31.01.2017. The demand is increased on 28.01.2017 and effect of the same is applicable to the second part of the month only.
  - (2) It is submitted that load extension is released on 09.01.2017. Appellant is observing HTP-IV tariff so testing of new furnace was carried out during night hours. The load was extended form 4000 KVA to 11500 KVA with installation of new high capacity of furnace. On 28.01.2017, nearly at 21.00 hours the capacitor bank connected with furnace got flashed and resulted in disconnection of most of the capacitors from the circuit. In turn the phenomenon results in increase of reactive current as the compensating capacitors are not in the circuit.
  - (3) The increase in reactive component had resulted in increase of KVA without consuming any additional load so the penalty

imposed should be removed as no extra KWH units are consumed during the specific period of 21.00 hours to 21.45 hours of 28.01.2017 when demand increased more than stipulated in HTP-IV tariff.

- (4) Appellant has explained technically as under:

The KVA demand can be calculated from two formulas:

$$(i) \quad (KVA)^2 = (KVAr)^2 + (KW)^2 \text{ and } (ii) \quad KVA = KW / pf$$

In other words, the total demand is directly proportional to apparent demand plus real demand.

The capacitors are provided to compensate the reactive component and reduce apparent demand. Most of the time the reactive component is negligible as same is compensated, when actual work is going on.

The KVA demand is practically depends on active power KW and the same can be confirmed from the fact that at most of the time KVA demand is almost equal to KW demand.

The failure of capacitor result in increase of apparent power. As per above formula, the KVA demand is increased without change in real power. The demand will increase due to increase in KVAr (Apparent demand) of the system. No additional equipment is connected in the circuit yet the demand is increased due to accidental capacitors failure and reduction in compensation by the capacitors. In such case the KVA demand will be nearly equal to KVArh demand.

As the KVArh demand increased, the KW demand and power factor is decreased. During the particular hour of accident, the Power Factor is hovering around 0.3 during the demand increase period, in place of 0.7 to 0.8 during the day time.

All above facts lead to conclusion that no new load is added in the circuit. The demand rose due to increase in KVA. So the bill issued with HTP-I demand charges should be cancelled.

- (5) It is submitted that as per tariff note, in case of violation of condition the demand charges should be charged at HTP-I tariff. There is no damage to system of Respondent. So considering the

natural law of justice, the penalty is too high. It is the duty of appellate authority to see the motive behind the framed rules and violation of those rules. The penalty should be decided on the basis of facts and considering the natural justice.

- (6) It is submitted that the expanded unit was started a few days only. The equipment are under trial. The accident had occurred as the whole system is not stabilized. Hence considering the above facts, relief should be granted to Appellant.
- (7) Appellant has referred the case No. 31 of 2007 of M/s. L.G. Industries V/s. PGVCL and observations made by Ombudsman. It is stated that the highlights of the above order is related to the case of Appellant and is of a similar nature. The contents of the order are very clear. Therefore, considering the above, the demand charge may be revised as per HTP-IV tariff.
- (8) Appellant has referred the Supply Code Regulation 4 of 2015, Clause No. 4.84(2), a separate agreement is to be made for additional load. Accordingly, appellant has executed an agreement for additional load of 7500 KVA at the time of load extension from 4000 KVA to 11500 KVA. Therefore, the connection with the extended load is a separate entity with respect to the original connection.
- (9) It is submitted that after the load extension, the first monthly bill is always issued in two parts. One part up to the date of load extension and the other part from the date of load extension till the billing date. The new tariff applicable after the load extension is applied on the second part of the bill.
- (10) It is submitted that Appellant may be allowed to select the tariff after load extension. If Appellant had opted for HTP-I tariff after load extension then the security deposit would be calculated and collected accordingly and Appellant will be allowed to use power as per terms and conditions of HTP-I.
- (11) It is submitted that HTP-IV demand portion is violated for the extended load then the same violation no case is applicable to

original connection as the agreement is different and no violation is made during the original connection.

2.6. On 06.03.2018, Appellant has submitted rejoinder and reiterated certain points as under:

- (1) Appellant has raised two questions i.e. (a) The note provided with HTP-IV tariff with condition of the tariff or the same can be discretionary and (b) The load extension is a change in entity of the connection or not.
- (2) The incident of breach of the contract demand condition has occurred during 21.00 to 21.45 hours of 28.01.2017. During the period reactive demand increased and power factor was decreased without any increase in actual KW demand, which is solely due to accidental fault of capacitor bank and not due to increase in actual load. Therefore, under such circumstances, which are beyond the control of Appellant, it is requested to grant relief in the bill and to revise the demand charge with HTP-IV tariff.
- (3) The energy bill is issued for the month of January,2017 for the whole month. The load extension was granted from 4000 KVA to 11500 KVA during the billing month of January,2017 on 09.01.2017.

Appellant has referred GERC Supply Code 2015, Provision 4.80, 4.81, 4.85 and 4.87 for load extension purpose. As per provision of 4.84(2), the consumer should execute a supplementary agreement for additional load. With this proviso, it proves that separate entity (with separate account procedure) is created when load extension is granted to Appellant. With this proviso, consumer will get bill in two parts for the particular month when load extension is granted. In the case of Appellant, the first part of bill is issued with tariff applicable to 4000KVA and with HTP-IV tariff (as opted). The second part is issued with tariff applicable to 11500 KVA with EHT rebate of 0.5% in unit charge and with HTP-IV tariff as opted.

From above, it is clear that tariff before and after load extension is independent of each other and cannot be applicable to other

part or vice versa. From above arguments, the applicability of tariff interpretation after load extension to before load extension is illegal and bad in law.

2.7. Appellant has prayed as under:

- (1) The bill for the month of January,2017 should be revised with demand charge as applicable to HTP-IV tariff considering the minor lapse in the condition.
- (2) The tariff applicable before and after load extension should be considered separate and bill should be made separate for both parts.
- (3) Law of equity and natural law of justice should be applied considering the loss to Respondent and the amount of penalty with respect to the same.
- (4) The penalty should be minimized and should be applicable for the units consumed during day time only.
- (5) In case, if the HTP-I tariff is to be applied then same should be applied as per the tariff condition only.

**3.0.** Respondent has represented the case as under.

3.1. Appellant M/s. K. B. Ispat Pvt. Ltd., is having EHT connection bearing consumer No. 24031. Appellant has registered billing complaint for the month of January,2017. The contracted demand of Appellant is 11500 KVA. The nature of complaint in this case is related to the bill of January,2017 issued with calculation of demand charges as per HTP-I tariff instead of HTP-IV tariff as per the tariff conditions.

3.2. It is submitted that Appellant is having contracted demand of 4000 KVA which was initially released on 16.07.2013. Appellant had applied for extension of contracted demand from 4000 KVA to 11500 KVA and submitted undertaking to remain with HTP-IV tariff with extended load. The extension of load was physically released on 09.01.2017. Energy bill for the month of January,2017 was issued on 03.02.2017.

Energy bill for the month of January,2017 was prepared as per final reading of 01.02.2017- 00.00 hours and as per violation of HTP-IV tariff. Appellant had crossed demand limit of 15% in a day time, day demand recorded was 1943.1 KVA, 16.896% of contracted demand, hence

demand charge has been calculated as per HTP-I tariff, which is as per provisions.

Maximum	Date	Reading	Multiplying Factor	Maximum Day Demand
Day Demand	28.01.2017	0.02159	90000	1943.1 KVA i.e. 16.896% of CD.

- 3.3. Respondent has produced the Condition No. 3 of HTP-IV tariff as under:  
*“In case the consumer failed to observe condition No.1 above during any of the billing month, then demand charge during the relevant billing month shall be billed as per HTP-I category demand charge rates given in Para 13.1 of this schedule.”*
- 3.4. The load extension of connection was released on 09.01.2017 from 4000 KVA to 11500 KVA. Appellant has mentioned that testing of new furnace was carried out during installation. As per daily Maximum Demand sheet and daily consumption record, regular consumption was started from 22.01.2017 and continued regularly, which shows that on 28.01.2017 the plant was in running condition.
- 3.5. As per representation of Appellant, “the increase in reactive component had resulted in increase of KVA without consuming any additional actual load. During the particular hours of accident the Power Factor is around 0.3 during demand increase period. The failure of capacitor is an accidental phenomenon.”

In reply, Respondent has submitted the MRI data as under:

Record No.	Date/ Time	Import KW	Import KVA	Import P.F.	M.F.	Demand in KVA
1838	28.01.17 21:15	0.007	0.02159	0.3	90000	1943.1
1839	28.01.17 21:30	0.007	0.02085	0.31	90000	1876.5
1840	28.01.17 21:45	0.007	0.0113	0.59	90000	1017
1841	28.01.17 22:00	0.007	0.00688	1	90000	619.2
1842	28.01.17 22:15	0.079	0.07982	0.99	90000	7183.8

It is stated that as per MRI data, Power Factor was low for only 30 minutes only and thereafter Power Factor was almost unity during all the period. Failure of capacitor occurred for 30 minutes only and failed capacitors rectified within a short period and put in to service immediately which is technically not possible.

- 3.6. It is submitted that to maintain the Power factor and Maximum Demand is accountability of Appellant. As the Appellant is demand based consumer and contract demand is in KVA, penalty imposed on the basis of KVA recorded is as per tariff provisions.
- 3.7. As per HTP-IV tariff conditions, both the penalties of demand charges and energy charges are separated in conditions. If the consumer fails to observe demand limit then demand charges are billed as per HTP-I tariff, and if the consumer fails to observe unit consumption limit then energy consumption is billed as per HTP-I tariff. If consumer fails to observe both, demand and energy consumption, then demand and energy charges are billed under HTP-I tariff.
- 3.8. It is submitted that the regular consumption was started from 22.01.2017 and continued regularly and the phenomena occurred on 28.01.2017.
- 3.9. Appellant has referred case No.31/2007 of Ombudsman and SCA No.95 of 2008 of Gujarat High Court and it is submitted that case to case elements and aspects might be different. Therefore, findings of such cases should not be applicable to all cases.
- 3.10. Appellant was under HTP-IV tariff consumer for the month of January,2017 as he has opted. The application of load extension 4000 + 7500 = 11500 KVA was released on 09.01.2017. The condition No.3 of HTP-IV tariff is applied for total period during the relevant billing month. Billing during the period cannot be divided in to two parts. At the time of application of load extension, Appellant was allowed to opt for tariff which is for calculation of required security deposit applicable as per new load. The tariff for the relevant billing month cannot be divided in to two parts. Additional bill amount of Rs. 2,89,047.74 for the month of January, 2017 was given to Appellant in June,2017. The calculation sheet is submitted by Respondent.
- 3.11. Respondent has referred the order dated 21.09.2016 passed by Gujarat High Court in SCA No. 8462/2014 in the matter of Kothi Steel V/s Electricity Ombudsman and GERC has clarified the matter and manner

which would be applicable to those consumers which was under Clause No. 16 of Note No.1 of tariff issued for the year 2011.

GERC has vide order dated 07.11.2016 has clarified that the contracted demand beyond the prescribed hours is for the purpose of maintenance only. In that case Appellant has nowhere shown that it was for maintenance purpose and even if it was for maintenance purpose then too it has to be within permissible limit as shown in the tariff HTP-IV. Under HTP-IV tariff, consumer is not allowed to use electricity in day time but as a special consideration if it is for maintenance, it can be used only up to 10% of total units consumed and 15% of contracted demand. Therefore, the entire aim and object is that for the purpose of maintenance., electricity can be used during day time but it has to be only for the purpose of maintenance and that too within prescribed limit only, otherwise it will disturb the entire mechanism and grid discipline of the electricity company. Such concession which has been given under HTP-IV tariff if it is violated and the basic objective of creating special night time consumption gets defeated. The entire purpose of creation of HTP-IV tariff has been explained by GERC and held that it is not permissible and breach thereof has to be treated as default.

- 3.12. It is submitted that energy bill issued for the month of January,2017 is in order as per prevailing tariff provisions.

**::: ORDER :::**

- 4.0.** I have considered the contentions of the Appellant and the Respondent and the facts, statistics and relevant papers, which are on record, and considering them in detail, my findings are as under.
- 4.1. Aggrieved by CGRF order, Appellant has prayed as per Para No. 2.7 for revising energy bill for the month of January,2017. The tariff is made applicable as per tariff orders issued by the Commission from time to time. As per Section 62(3) of Electricity Act,2003, tariff is based on the purpose of use.

Appellant is HT consumer of Respondent, bearing consumer No.24031 under HTP-IV tariff. On 09.01.2017 Respondent has granted load extension of 11500 KVA to Appellant with obtaining option of HTP-IV

tariff. Appellant is also aware of use of electricity supply during night hours i.e. 10.00 p.m. to 06.00 a.m. next day.

Tariff schedule effective from 1<sup>st</sup> April,2016 and as per Part-2 tariff for supply of electricity to high tension (3.3KV and above, three phase 50 Hz) and Extra High Tension are available for supply for contracted demand not less than 100 KVA, the tariff rate HTP-1, rate HTP-2, rate HTP-3, rate HTP-4, rate HTP-5 are covered under this part, which are self-explanatory.

The contracted load was sanctioned by Respondent from 4000 KVA to 11500 KVA as per the request of Appellant. Appellant was having 4000 KVA contracted load covered under HTP-I tariff category in which he has opted for HTP-IV tariff. With additional load demand of 7500 KVA Appellant has again opted HTP-IV tariff. By having contracted demand of 11500 KVA under EHT category consumer, Appellant is eligible to get EHV rebate as per tariff schedule 13.9, which is as under:

On energy charges		Rebate @
(a)	If supply is availed at 33/66KV	0.5%
(b)	If supply is availed at 132KV and above	1.0%

- 4.2. The contracted demand of Appellant was 4000 KVA till 08.01.2017. Thereafter contracted demand was extended to 11500 KVA as per application made by Appellant, w.e.f. 09.01.2017 under HTP-IV tariff. Appellant has submitted copy of undertaking for option of HTP-IV tariff while demanding load extension of 4000 + 7500 = 11500 KVA. After making payment of estimate and after execution of agreement, Respondent has physically released load extension of Appellant w.e.f. 09.01.2017.
- 4.3. To deal with issue of billing for the month of January,2017, it is needed to refer provisions of HTP-IV tariff.

As per tariff conditions:

16 RATE: HTP-IV:

This tariff shall be applicable for supply of electricity to HT consumers opting to use electricity exclusively during night hours from 10.00 p.m. to 06.00 a.m. next day and contracted for regular power supply of 100 KVA and above.

- (1) 15% of the contracted demand can be availed beyond the night hours prescribed as per para 16 above.
- (2) 10% of total units consumed during the billing period can be availed beyond the night hours prescribed as per Para 16 above.
- (3) In case the consumer failed to observe condition No.1 above during any of the billing month, then demand charge during the relevant billing month shall be billed as per HTP-I category demand charge rates given in Para 13.1 of this schedule.
- (4) In case the consumer failed to observe condition No.2 above during any of the billing month, then entire energy consumption during the relevant billing month shall be billed as per HTP-I category energy charge rates given in Para 13.2 of this schedule.

As per above provisions, HTP-IV category is applicable to the consumers who agree to utilize the electricity exclusively for eight hours of night hours, i.e. 10.00 p.m. to 06.00 a.m. hours next day, with four conditions stated in above tariff.

- 4.4. For the energy bill for the month of January,2017, demand charges were prepared under HTP-I tariff as per Para No. 3.2 under violation of HTP-IV tariff conditions. Maximum Demand recorded by meter of Appellant is 1943.1 KVA i.e. 16.896% of his contracted demand, during other than specified hours 10.00 p.m. to 06.00 a.m. next day, under option of HTP-IV tariff.
- 4.5. Appellant has referred judgement of Hon'ble Ombudsman in case No.31 of 2007. In the said case, marginal violation of 19 units more consumption during day time has been taken into account against HTP-IV tariff conditions. At that point of time relevant conditions covered under HTP-IV tariff, are as under.
  - (i) *5% of total units consumed and 10% of the contract demand can be availed beyond the prescribed hours for the purpose of maintenance.*
  - (ii) -
  - (iii) -
  - (iv) -
  - (v) *In case the consumer is not fulfilling the conditions of this tariff category, then such consumer for the relevant billing period will be billed under tariff category HTP-I.*

In this case, demand part has recorded day time demand 1943.1 KVA on 28.01.2017 at 21.05 hours, 1876.5KVA on 28.01.2017 at 21.30 as per record of MRI data.

Here it is to note that as per said order it is mentioned that this judgement should not be straight way applied in all such infringements of conditions without considering the merits. In present case, demand part is violated as above prior to agreemental usage of energy under HTP-IV tariff.

- 4.6. It is worth to state that HTP-IV tariff conditions are changed as per the recommendations of consumers by GERC from financial year 2009-2010.

For the Financial Year 2007-08 conditions under HTP-IV were

- (i) 5% of total units consumed and 10% of the contract demand can be availed beyond the prescribed hours for the purpose of maintenance.*
- (ii) For the purpose of office lighting, fans etc., the consumer may apply for a separate connection.*
- (iii) This tariff shall be applicable if the consumer so opts to be charged in place of HTP-I tariff by using electricity exclusively during night hours as above.*
- (iv) The option can be exercised to switch over from HTP-I tariff to HTP-IV tariff and vice versa twice in a calendar year by giving not less than one month's notice in writing.*
- (v) In case the consumer is not fulfilling the conditions of this tariff category, then such consumer for the relevant billing period will be billed under tariff category HTP-I.*

While conditions were revised for the Financial Year 2009-10 as under for HTP-V tariff.

- (i) 10% of total units consumed and 15% of the contract demand can be availed beyond the prescribed hours for the purpose of maintenance.*
- (ii) For the purpose of office lighting, fans etc., the consumer may apply for a separate connection.*

- (iii) *This tariff shall be applicable if the consumer so opts to be charged in place of HTP-I tariff by using electricity exclusively during night hours as above.*
- (iv) *The option can be exercised to switch over from HTP-I tariff to HTP-IV tariff and vice versa twice in a calendar year by giving not less than one month's notice in writing.*
- (v) *In case the consumer is not fulfilling the conditions of this tariff category, then such consumer for the relevant billing period will be billed under tariff category HTP-I.*

Thus from the above criteria of use of energy during day time was revised from financial year 2009-10. Instead of 5%, 10% of total units consumed and instead of 10%, 15% of contract demand can be availed beyond the prescribed hours for the purpose of maintenance fixed up by GERC, under the option of HTP-IV tariff. For the maintenance point of view relaxation under utilization of energy and demand have been taken care by GERC.

Again said conditions under HTP-IV tariff was revised from Financial Year 2016-17, which is mentioned in Para No. 4.3.

From the said conditions, it is revealed that both, energy consumption and record of demand parts separate out with maximum limit to use during day time for getting benefit under HTP-IV tariff. On failure of that conditions, billing under HTP-I tariff is scheduled as per the Condition No. 3 and 4 separately for energy consumption and demand charges. Therefore, failure in record of energy or demand, that parts are to be billed under HTP-I tariff respectively. This is not a case of double penalty for violation of any part i.e. energy charges or demand charges.

- 4.7. Appellant has submitted undertaking opting HTP-IV tariff while asking load extension from 4000 KVA to 11500 KVA contracted demand, and thereafter on payment of estimated amount and after execution of an agreement, 11500 KVA contracted demand is approved by Respondent and it was physically released on 09.01.2017. Arguments as made in Para 2.5(8), 2.5(9) and 2.5(11) are not having any merits and are not accepted.

- 4.8. To clarify that in order to verify the satisfactions of the conditions related with 15% of the contracted demand can be availed beyond the night hours for the maintenance, it is required to consider the billing period i.e. monthly in case of HT/EHT consumer.

Respondent has submitted that main breach of condition is related to drawl of demand above 15% of contracted demand beyond the prescribed night hours. Appellant has submitted that the drawl beyond 15% of contracted demand is accidental beyond prescribed hours due to failure of capacitor bank. Respondent has denied the above ground of Appellant and stated that as per MRI data report, power factor was less during period of 21.00 hours to 21.45 hours on 28.01.2017 and it was again maintained immediately, hence failure of capacitor bank is not accidental cause.

On above argument, it is to note here that violation in demand is observed continuously from 21.00 hours to 21.45 hours under HTP-IV tariff, which is not at all desirable to maintain grid discipline under specified HTP-IV tariff. There is utilization of load during non-specified period i.e. 07.00 a.m. to 10.00 p.m. under HTP-IV tariff. In this case arguments of Appellant for flashover of capacitor bank/failure of capacitor bank, without utilization of demand (connected load), is not technically supported. Prior to 28.01.2018, as per records of MRI data, maximum demand during the period 09.00 p.m. to 10.00 p.m. before specified time period 10.00 p.m. to 06.00 a.m. (next day) makes it clear for utilization of connected load prior to 10.00 p.m. by appellant.

- 4.9. Appellant is a HT consumer. Basic category is of HTP-I tariff, in which Appellant has opted HTP-IV tariff. Subsequently appellant had extended contracted demand from 4000 KVA to 11500 KVA and opted HTP-IV tariff for billing purpose.

As per Para No. 2.6(3) of argument, it is to note that Clause 4.80 to Clause No.4.85 of Supply Code provisions are for taking adequate procedure while granting extension of load. The argument regarding separate entity with demand of extension of load/sanction of additional load with execution of agreement is not a correct reading of Appellant. Tariff in case of Appellant remains same as per his option i.e. HTP-IV,

prior and after granting of extension of load. Only contracted demand enhanced from 4000 KVA to 11500 KVA sanctioned by Respondent with 66KV voltage class in case of Appellant under EHV category of consumer. Respondent has sanctioned the 11500 KVA contracted demand with HTP-IV tariff option of Appellant. Therefore, billing in case of Appellant for January,2017 under HTP-I tariff for violation of condition of HTP-IV tariff, is correct.

4.10. In view of above, it is clear that in order to get benefit of exclusive night tariff, Appellant is required to ensure compliance of conditions put under HTP-IV tariff. The conditions No. 1 and 2 are available to the Appellant for maintenance activity only. Therefore, breach of any one of the conditions are to be treated as default and to be billed as per Condition No.3 & 4 accordingly.

4.11. I order accordingly.

4.12. No order as to costs.

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

(Dilip Raval)  
Electricity Ombudsman  
Gujarat State

Ahmedabad.

Date: 31.03.2018.