

ગુજરાત વિદ્યુત નિયંત્રક આયોગ
વિદ્યુત લોકપાલ, ગુજરાત રાજ્ય,
પોલીટેકનીક કમ્પાઉન્ડ, બેરેક નં. ૩, આંબાવાડી,
અમદાવાદ-૩૮૦૦૧૫

સમક્ષ

કેસ નં.૧૨૦/૨૦૧૬

અરજદાર : મે. શિવાલીક એસોસીયેટ્સ,
સરવે નં. ૧૧૭/૩/૩, ઓપી-૧૦૩
કોમન શિવાલીક રેસીડન્સી, જમનાબા કોમ્પ્લેક્ષ પાસે,
લલિતા ચોકડી, કતાર ગામ, સુરત.

રજૂઆત કરનાર: શ્રી લાભુભાઈ એસ. કાસોદરીયા, માલિક
શ્રી જીનેશ આર. વિરાણી, અધિકૃત પ્રતિનિધિ.

વિરૂધ્ધ

સામાવાળા: મેનેજર,
ટોરેન્ટ પાવર લિમિટેડ
ટોરેન્ટ હાઉસ, સ્ટેશન રોડ, સુરત.

રજૂઆત કરનાર: Ms. Sristi Patel, A.M.(Legal), TPL, Ahmedabad..

::રજૂઆત ::

- ૧.૦. અરજદાર, ટોરેન્ટ પાવર લિમિટેડ, સુરતના ગ્રાહક ફરિયાદ નિવારણ કીરમના કેસ નં.૨૨/૨૦૧૬-૧૭ ના અપાયેલ ચુકાદા નં.ટીપીએલ/રી.કી./૮૧૪૪ તા.૦૨.૦૯.૨૦૧૬ થી નારાજ થઈ અત્રે રજૂઆત કરેલ છે. જે રજૂઆતને આ કચેરીએ કેસ નં.૧૨૦/૨૦૧૬ થી નોંધેલ છે. સદર કેસની સૂનાવણી તા.૨૦.૧૦.૨૦૧૬ના રોજ રાખવામાં આવી.
- ૨.૦. સુનાવણી દરમ્યાન અરજદારે નીચે મુજબ રજૂઆત કરી.
 - ૨.૧. સર્વિસ નં. 501040720, શિવાલીક રેસીડન્સી, લલિતા ચોકડી, કતાર ગામ, સુરત, સરવે નં. 117/3/3 TP Scheme No.49, FP No. 153+150 વાળી જગ્યામાં વીજ જોડાણ મેળવવા માટે અરજદારે તા.૨૫.૦૩.૨૦૧૬ના રોજ 50 No. of residential purpose, 24 No. of commercial purpose, 2 common lighting તથા club-house માટેના વીજ જોડાણની માંગણી કરેલ જે અંગેના માલિકી અંગેના પુરાવા સામાવાળાને રજૂ કરવામાં આવેલ. જેને સામાવાળા ધ્વારા ધ્યાનમાં લઈ આશરે એક મહિના બાદ તા.૨૩.૦૪.૨૦૧૬ ના રોજ અંદાજપત્રનાં નાણાં ભરાવેલ. સદર અરજી કરતી

વખતે અરજદારે સામાવાળાને જણાવેલ કે સદર જગ્યામાં સબ-સ્ટેશનની જગ્યા આપી શકાય તેમ નથી, તેમ છતાં સામાવાળા ધ્વારા સબ-સ્ટેશનની જરૂરિયાત અંગે એક પ્રકારનું ફરજિયાત દબાણ કરવામાં આવે છે.

- ૨.૨. સામાવાળા વીજ કંપનીના ફોરમમાં સદર બાબત અંગે ફરિયાદ દાખલ કરેલ જેમાં ફોરમે સામાવાળા વીજ કંપનીની તરફેણમાં હુકમ કરેલ છે. સામાવાળાના ફોરમ સમક્ષ અરજદારની સદર જગ્યાની આજુબાજુમાં આવેલ શ્રદ્ધા સબ-સ્ટેશન તથા પોપટ સબ-સ્ટેશનમાંથી વીજ પૂરવઠી ચાલુ કરી શકાય તે બાબતની સમજણ સામાવાળા વીજ કંપનીને ધ્યાનમાં આવેલ. હાલમાં ચાલતાં વીજ જોડાણ સર્વિસ નં. 501040720 કે જે પોપટ સબ-સ્ટેશનમાંથી ચાલુ હોઈ, તેમજ પોપટ સબ-સ્ટેશન ૬૩૦ KVA ક્ષમતા ધરાવતું ટ્રાન્સફોર્મર તેની ક્ષમતાથી ૪૦% જેટલા લોડિંગ પ્રમાણે ચાલતું હોઈ, અરજદારને 200KW જેટલો વીજભાર, જે તે સબ-સ્ટેશનમાંથી ચાલુ કરી શકાય તેમ છે.
- ૨.૩. અરજદારની જગ્યાથી માત્ર ૪૦ મીટર દૂર જમનાબા કોમ્પ્લેક્ષમાં શ્રદ્ધા સબ-સ્ટેશનમાંથી વીજ પૂરવઠી ફાળવવામાં આવે છે, જેની ક્ષમતા ૩૧૫ KVA ની છે તથા સદર ટ્રાન્સફોર્મર ૪૧% લોડિંગ પર કાર્યરત હોઈ, સદર સબ-સ્ટેશનમાંથી વીજ પૂરવઠી પૂરો પાડી શકાય તેમ છે. સામાવાળા વીજ કંપનીને સદર બંને સબ-સ્ટેશનની ક્ષમતા ઓછી લાગતી હોય તો સદર બંને ટ્રાન્સફોર્મરની ક્ષમતા વધારી ૯૯૦ KVA સુધી કરીને અરજદારના સદર વીજભાર અંગેની સમસ્યાનો ઉકેલ લાવી શકાય તેમ છે.
- સદર બંને ટ્રાન્સફોર્મરને ૯૯૦KVA સુધી લઈ જવામાં આવે તો સબ-સ્ટેશનમાં જગ્યા પણ પૂરતી છે તેમજ અરજદારનો વીજભાર release કરવામાં આવે તો line losses ના પ્રશ્નનો પણ ઉકેલ લાવી શકાય તેમ છે.
- ૨.૪. શ્રદ્ધા સબ-સ્ટેશનમાંથી આવતો વીજ પૂરવઠો જે જમનાબા કોમ્પ્લેક્ષના મીટર બોક્ષ સુધી આવે છે, ત્યાંથી ૪૦ મીટર દૂર અરજદારની જગ્યામાં વીજ પૂરવઠો શ્રદ્ધા સબ-સ્ટેશનની ક્ષમતા વધારીને આપવામાં આવે તો લાઇન લોસના પ્રશ્નનું નિરાકરણ આવી શકે તેમ છે.
- ૨.૫. ફોરમ ધ્વારા અરજદારના સદરહુ મિલકતમાં વીજ પૂરવઠો પહોંચાડવા technical feasibility ન હોવાની વાત કરેલ છે. જો technical feasibility ન હોય તો અરજદારની જગ્યામાં નવું ટ્રાન્સફોર્મર કઈ રીતે સ્થાપી શકાય? સામાવાળા વીજ કંપની ધ્વારા જે જગ્યા સબ-સ્ટેશન માટે ફરજિયાત પણે સૂચવવામાં આવેલ ત્યાં building ની entry બંધ થઈ જાય છે, અને બીજી એક જગ્યાએ કાયદેસરની સેક્ટીના વાહનો પહોંચી શકે તેમ ન હોવાથી, સામાવાળા વીજ કંપનીની માંગણી ગેરવ્યાજબી ગણી શકાય.

સામાવાળા વીજ કંપની ધ્વારા 4 pole structure ઉભુ કરી building ની નજીકના ફૂટપાથ પર 6x6 sq.ft. on foundation પર DGVCL કંપનીની જેમ ટ્રાન્સફોર્મર સ્થાપી સદર સમસ્યાનું સમાધાન થઈ શકે તેમ છે.

- ૨.૬. સામાવાળા વીજ કંપની અન્ય DISCOMs ની જેમ ટ્રાન્સફોર્મરની જગ્યા બાબતે compact size વિચારે તો સુરત શહેરના તમામ ગ્રાહકોને સામાવાળા ધ્વારા સબ-સ્ટેશન પ્રસ્થાપિત કરવા માટે માંગવામાં આવતી 15x25 sq.ft. કે 15x20 sq.ft. ની જગ્યામાંથી છૂટકારો મળી શકે. આટલી જગ્યામાં અન્ય DISCOM ધ્વારા ત્રણ ટ્રાન્સફોર્મર install કરવામાં આવે છે.
- ૨.૭. અરજદારની જગ્યાની બાજુમાં આવેલ બંને ટ્રાન્સફોર્મરો પોપટ સબ-સ્ટેશન તથા શ્રદ્ધા સબ-સ્ટેશન કે જેની ક્ષમતા અનુક્રમે 630 KVA તથા 315 KVA ની છે, જેમાં 990KVA ના ટ્રાન્સફોર્મર પ્રસ્થાપિત કરી અરજદારને વીજ પૂરવઠો આપી શકાય તેમ છે. સદર સબ-સ્ટેશનની આજુબાજુમાં કોઈ નવું development ન હોઈ, વધારે વીજ પૂરવઠાની જરૂર નથી.
- ૨.૮. અરજદાર ધ્વારા રજૂ કરવામાં આવેલ બાંહેધરીખતને કોરમ ધ્વારા ધ્યાને લેવામાં આવેલ નથી, જે મુજબ અરજદાર સબ-સ્ટેશનની જગ્યા પૂરી પાડવા માટે અરજી કરતી વખતે સંમતિ દર્શાવેલ ન હતી.
- સામાવાળા વીજ કંપની ધ્વારા અરજદારની સદર અરજી GERC Regulations ની જોગવાઈ મુજબ technical feasibility નું બહાનું બતાવીને રદ ન કરવી અને refund પણ ન કરવું જે અંગેની લેખિત બાંહેધરી આપ્યા બાદ સામાવાળા સાથે લગભગ એક મહિનાથી ચર્ચા વિચારણા બાદ તા.૨૫.૦૪.૨૦૧૬ ના રોજ અરજી નોંધવામાં આવેલ.
- ૨.૯. સુનાવણીના અંતે અરજદારે વિનંતી કરી જણાવેલ કે અરજદાર પાસે સબ-સ્ટેશનની જગ્યાની માંગણી કર્યા વગર આજુબાજુના સબ-સ્ટેશનની ક્ષમતા વધારીને વીજ જોડાણ આપવા સામાવાળાને હુકમ કરવો.

3.0. Respondent has represented the case as under.

- 3.1. It is submitted that M/s. Jamanaba Complex is situated adjacent to the premises of M/s. Shivalik Associates. On 06.06.2006, the proprietor of M/s. Jamanaba Complex had approached Respondent for release of connection for construction work of said complex.

To cater the load demand of Jamanaba complex demand for sub-station was made and there was written consent given by proprietor of M/s. Jamanaba Complex for establishment of sub-station. There after electricity connection for construction was released.

After construction of one of the apartments of the said complex, Respondent had reminded proprietor to provide sub-station, but no action was taken. When application for the permanent connection was received, Respondent had reiterated its stand for requirement of sub-station. The proprietor of complex stated that they would provide sub-station after complete construction of complex but later on shown willingness to provide only four pole sub-station in complex.

- 3.2. On 25.06.2010, the proprietor of complex acknowledged the said request for a separate sub-station in future development on adjacent land since they were not in a position to provide sub-station at that time.
- 3.3. On 25.04.2011, Respondent had withheld his demand for sub-station as Appellant had agreed that he would provide sub-station in adjoining upcoming project and only on this conditions, the supply was released.
- 3.4. It is submitted that the connection from existing network was provided with the understanding and assumption that in future the proprietor of the said complex shall provide sub-station for the Appellant's Associates, the entire network which feeds power supply to the complex would be reshuffled and augmented, if required.
- 3.5. On 18.11.2013, Appellant had applied for electric connection of 3KW for construction purpose. Considering the load demand of project, Respondent had informed to Appellant on 02.12.2013 to

submit consent for providing a new distribution sub-station as per requirement of Respondent company.

- 3.6. On 11.03.2014, Appellant informed the Respondent that he does not have any space for sub-station and demanded that since the connection is for construction purpose it should be released within seven days as per provision of the Electricity Act,2003.

On 31.03.2014, Respondent had informed Appellant that it is releasing electric connection temporarily but Appellant needs to decide location and size of transformer in the next three months and only after the possession of sub-station is handed over to Respondent company, it will release permanent connection.

Appellant had made payment in respect of above connection for construction after a long time and also applied for increase in load demand from 3 KW to 15 HP and 2 KW.

- 3.7. In spite of substantial rise, the demanded load was released but again it was reiterated by Respondent vide letter dated 26.05.2014 that Appellant shall finalize the place and size of transformer in next three months and only after the possession of sub-station is handed over to Respondent company the permanent connection will be released for project of Appellant.

- 3.8. On 22.04.2016, Appellant had applied for 76 No. of new connections for which total load requirement is 176 KW and assessed load is 312 KW.

In response to the application Respondent company vide letter dated 27.04.2016 brought to the notice of Appellant to the correspondence dated 25.04.2011 whereby Appellant was made aware that the power supply was released for their previous Jamanaba Project, considering their inability to provide sub-station on the condition that they will have to provide sub-station for their adjacent upcoming project in future. They had acknowledged the said request for separate sub-station in a future

development on adjacent land vide letter 25.06.2010. Therefore, since the beginning of Shivalik Project the Appellant was well aware regarding requirement of sub-station, even though he had not taken any step. Appellant cannot deny the conditions now on the basis of which previous connection was released.

- 3.9. On 06.05.2016, Appellant had requested to finalize the venue for meter box in response to which the Respondent company vide letter dated 12.05.2016 had again reiterated its whole stand on inability to provide new connection without establishment of new sub-station.
- 3.10. On 30.06.2016, Appellant stated that supply was provided from a different sub-station during Jamanaba Project in the same way it should be done for Shivalik and if a sub-station is required the Respondent Company shall arrange for it by themselves. In response to this, Respondent again informed Appellant regarding past correspondence and emphasized on the importance of a sub-station for electric supply.
- 3.11. On 04.08.2016, Appellant had filed a complaint before CGRF and aggrieved by the CGRF order dated 02.09.2016, he has filed representation before Ombudsman.
- 3.12. Respondent has submitted as under.
 - (1) The contents of Para No.2.1 of Appellant are denied and it is stated that the payment was taken from Appellant not to determine the technical feasibility of supplying power with or without a sub-station but there was an issue regarding documents attached with the application form. This can also be concluded from the correspondence made by Respondent with Appellant on a part of requirement of sub-station for the project in question. This reveals that there is no question to determine the requirement of sub-station in the project. After visiting the site and future load requirement analysis

Respondent company had reiterated the necessity of sub-station and returned the deposited amount to Appellant.

- (2) It is submitted that installation of sub-station would ensure not only proper supply but also shall avoid line losses. It is pertinent to note that in respect of releasing supply from the existing network Respondent company not only has to consider the current demand but also has to keep a forethought of increasing load demand from the existing consumers as well as new consumers in the near future and thus requiring of sub-station is absolutely necessary.
- (3) It is submitted that Respondent company cannot supply electricity to the Appellant from the existing network of Shraddha or from any other sub-station because Respondent company cannot compromise future increase in demand from the consumers of Shraddha Society for any other project affiliated to that sub-station since both the sub-stations namely Shraddha and Popat sub-stations are not augmentable and margins for future load growth of these societies are to be kept since the sub-stations were allotted by the respective societies. Both the sub-stations are at the distance of 250 metres and 300 metres respectively from the project of Appellant. It has been a general practice of the Respondent company to provide electricity from the existing sub-station which is located within a command area of 150 metres from the same to control the technical loss in the network and maintain the Voltage Regulations within permissible limit. Also keeping in mind about the future electricity demand for the project of Appellant and nearby area, it is technically not feasible to release the load from the existing sub-station, namely Shraddha and Popat Sub-

stations, as both the sub-stations are not augmentable to the next higher size.

The technical details of both the above sub-stations are as under:

Name	Existing size of transformer	Sanctioned load in KW	Loading in percentage	Distance from Shivalik (In Metres.)
Shraddha S/s	315 KVA (Not augmentable)	374.02	40.48	250
Popat S/s	630 KVA (Not augmentable)	567	61.61	300

It is technically not possible to cater the demanded load due to Voltage Regulations, quality of power and losses in the network.

- Respondent expect significant load in the command area of Shraddha and Popat sub-stations as there is a vertical expansion observed within the area. New sub-station will not be possible as the said society has already given sub-station to cater their requirement.
 - Both the above sub-stations are not augmentable hence demand raised by the Respondent company for establishment of new sub-station is proper.
- (4) Respondent has denied the contents of Para No. 2.5 of Appellant and stated that Appellant is introducing new issues at this stage and has not brought these issues to the notice of CGRF, therefore it is liable to be disregarded. It is submitted that Appellant was aware of the requirement of sub-station even before the start of Shivalik project as they were informed of the same when the requirement of sub-station was waived for their adjoining project of Jamanaba Project on this basis. From the past correspondence Appellant was aware for the sub-station for his demand electric supply. Hence their claim that the fire safety of their building would be endangered or the entry would be blocked

if they provide space for sub-station is utterly invalid. Senior officers of Respondent company had visited this project and discussed the matter with Appellant for providing distribution sub-station and also suggested location for the sub-station. Appellant has intentionally refrained from making any arrangements for the sub-station and now are using excuses to forego his liability.

- (5) It is submitted that requirement of sub-station is on the basis of technical feasibility and not for any other reason. Even statutorily, the responsibility to determine the necessity for a sub-station lies with the Respondent as per Regulations 4.36 of Supply Code, 2015.

3.13. It is submitted Respondent company is acting in consonance with the laws and rules and regulations in force. It is also stated that present appeal of Appellant has no merits and liable to be dismissed with cost.

:::::ચુકાદો :::::

- ૪.૦. સૂનાવણી દરમ્યાન અરજદારે કરેલ રજૂઆત તથા સામાવાળાએ કરેલ રજૂઆત અને રજૂ કરાયેલા દસ્તાવેજી પુરાવાઓને આધારે નીચે મુજબના નિર્ણય ઉપર આવું છું.
- 4.1. Appellant has given consent for providing sub-station at T.P.No. 49 at any of F.P. No.117/3/1, 117/3/2 and 117/3/3 and stated that space for sub-station will be finalized after completion of construction work of M/s. Jamanaba Complex. Appellant had shown readiness for providing a sub-station.
As per Para 2.1, Appellant has developed a scheme at T.P. No. 49, F.P.No. 117/3/3 and asked electric services for residential-cum-commercial purpose.
- 4.2. As per submission made by Respondent, Appellant has not provided sub-station for getting electric connection for M/s. Jamanaba Complex scheme even after consent for sub-station was given by him.

In present case, Appellant wants electric connection from the nearby existing sub-station from where Respondent had released earlier connections for M/s. Jamanaba Complex.

- 4.3. On the basis of electrical appliances found in average household, demand side load is estimated considering diversity factor by Respondent as per Para 3.8.
- 4.4. The electric connections of M/s. Jamanaba Complex are released after consent letter of the Appellant, as per submission made by Respondent in Para 3.1.
- 4.5. As per reply filed by Respondent as per Para 3.12(3) regarding technical feasibility of electric network from nearby existing available sub-station are established in the assessment of long term demand and hence the load requirement of Appellant cannot be catered from them.
- 4.6. The Electricity Act,2003, Section 42 : Duties of distribution Licensee and Open Access.

Provisions of Distribution Licensee:

42(i): *It shall be the duty of a distribution licensee to develop and maintain an efficient, coordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.*

43. Duty to Supply on request:

43(1): *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.

50. *The Electricity Supply Code:*

This Clause provides that the state commission shall specify an electricity supply code to provide for inter alia, recovery of charges, disconnection for non-payment, tampering of electric lines or meters etc.

Accordingly, Clause No. 4.36 of GERC Supply Code and related matters Regulations Notification No. 4 of 2015, is as under:

Clause No. 4.36:

If the licensee is of the opinion that provision of supply requires installation of a distribution transformer within the applicant's premises, the applicant shall make available to the licensee a suitable room or portion of land within his premises for installation of the distribution transformer.

Thus as per provisions of Regulations, Licensee (Respondent) has asked sub-station for providing additional load to the Appellant is justified.

- 4.7. The arguments for not providing sub-station as per Para No. 2.1 of Appellant for new electric connections for M/s. Shivalik Associates are not having any stand looking to the sub-station demanded by Respondent while processing the temporary connection for construction purpose as per Para No. 3.5 and 3.6. It is seen from the correspondence that from the beginning Respondent has asked

a sub-station for providing electric connections to the scheme of Appellant, i.e. M/s. Shivalik Associates.

- 4.8. The demand of providing a sub-station by Respondent in the present issue, is as per Clause No. 4.36 of Electricity Supply Code and Related matter and it is justified.
- 4.9. Respondent should ensure all precautions and safety as mentioned in Cl.No. 3.1, 3.3 and 3.4 of GERC Notification No.10 of 2015.
- 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: 17.11.2016