

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

CASE NO. 41/2018

Appellant: M/s. Nirma Limited
Office No.31, Ground floor, Maruti Complex
Opp.Swaminarayan Nagar, Nr.HP Petrol Pump
Chhani-Delux Road, Vadodara-390002

Represented by: Shri D.N.Soni, Consultant
Shri Arunkumar Maheshwari, AGM(Electrical)

V/s.

Respondent: Executive Engineer,
Madhya Gujarat Vij Company Limited
Division Office, Vidyutnagar Colony,
Old Padra Road, Vadodara-390015

Represented by: Shri V.J.Motavar, EE, MGVCL, Baroda Circle
Shri P.N.Thanawala,DE, MGVCL, Corporate Office, Baroda

:::PROCEEDINGS:::

- 1.0.** The Appellant had submitted representation aggrieving with the order No.358 dated 03.05.2018 passed by the Consumer Grievances Redressal Forum, Madhya Gujarat Vij Company Limited, Vadodara in case No. MG-I-01-2018-19. The representation was registered at this office as Case No.41/2018. The hearing of this case was kept on 21.06.2018.
- 2.0.** Appellant has represented the case as under.
 - 2.1.** Appellant is consumer of Respondent having 132KV EHT connection No.13240 at Alindra with contracted demand of 9500 KVA. Appellant had filed complaint before CGRF for wrong commencement billing as per enhance demand and same was registered by Forum. Due to early commencement of billing, Appellant had to pay additional fixed

charges without actual utilization of additional demand. Forum has passed order on 03.05.2018 and upheld the action of billing started by Respondent.

2.2. Aggrieved by the Forum order, Appellant has submitted the details of case as under.

- (1) Appellant had applied for load enhancement from 9500KVA to 11500 KVA on 01.07.2017 and supply agreement was executed with Respondent on 03.11.2017.
- (2) On 12.10.17 Appellant has made payment of estimate issued vide letter dated 05.09.17 by Respondent towards various charges of MGVCL and GETCO.
- (3) Along with Estimate, Respondent MGVCL and GETCO informed Appellant to replace CTs as per new ratio and exclusive for MGVCL metering purpose.
- (4) Till now Appellant was allowed to use multicore CTs and PTs owing to constraints of space availability in switch yard of Appellant. Appellant has requested Respondent to allow to utilise multicore CTs available as per new ratio.
- (5) After site inspection of switch yard of Appellant, Respondent and GETCO has declined request of allowing multicore CTs and informed Appellant to install exclusive metering CTs after modifying the switch yard bay for space creation.
- (6) On 20.01.18, Respondent has informed Appellant to replace existing multicore PTs and gave additional estimate for replacing PTs.
- (7) On 14.02.18 additional estimate was paid by Appellant and started procedure for approval of drawing and placing of work order with approved vendor for procurement of material as well as necessary modification of line in switch yard.
- (8) While CTs and PTs replacement requirement matter was under discussion, Respondent has issued release order on 08.11.2017

intimating that billing as per enhanced demand will be started from 08.01.2018. The said release order sent by Speed Post/RPAD was never received by Appellant, and Appellant came to know about release order only after receipt of electricity bill for January,2018.

2.3. It is submitted that on receiving the energy bill for the month of January,2018, the subject matter of commencement of billing w.e.f. 08.01.2018 was taken before Respondent and subsequently before CGRF.

2.4. Appellant has submitted grounds as under:

- (1) The release order is to be issued only after completion of replacement of CTPT and its approval as per MGVCCL/GETCO requirement. The major activities involved are as under:
 - Approval of specifications and drawings by MGVCCL/GETCO.
 - Ordering by customer and then manufacturing of CTPT.
 - Its joint testing and approval by MGVCCL and GETCO.
 - Modification in switch yard.
 - Installation and testing under supervision of GETCO.
 - Certification of installation by GETCO and Chief Ele. Inspector.
- (2) The replacement activity requires minimum 12 to 16 weeks after drawing approval from MGVCCL and GETCO.
- (3) Supply Code Notification, Clause No. 4.80, 4.85 and 4.86 also provide 180 days time limit for work completion after making payment. If consider the first payment date of estimate of 12.10.17, then allowable time limit is up to 12.04.18. Considering payment date of estimate of PT as 14.02.2018 then allowable time limit worked out is 13.08.2018.
- (4) The estimate issued by Respondent is on the basis of estimate submitted by GETCO which explicitly mentions replacement of CTs as a job with an option that job is to be executed by GETCO or by Appellant under GETCO supervision, so justification of

Respondent that “there was no work involved from GETCO and Respondent side and CTs & PTs are not part of line” is factually incorrect.

- (5) It is stated that there is an internal circular of Respondent that where only installation of CTs & PTs is involved, release order is to be issued immediately after execution of agreement cannot be accepted as the said circular was not communicated to Appellant.
- (6) Appellant was not aware of issue of release order and commencement of billing from January,2018 till he received the bill of January,2018 in February. The said release order was not delivered to Appellant. Appellant has requested to Respondent to provide them a proof of delivery of release order but Respondent declined to submit it.

2.5. Appellant has further submitted as under:

- (1) Replacement of 132KV CTs and PTs after doing modification in sub-station bay is part of electric line.
- (2) As per Supply Code, reasonable time of 180 days is not given to Appellant for replacement of CTs and PTs and released load enhancement on the basis of internal guidelines of Respondent, which is wrong.
- (3) As per estimate submitted by Respondent, demand enhancement will be effective only after completion of work and its certification by GETCO. Before approval of CTs & PTs specifications and without giving sufficient time for completion of work, billing was started for enhanced demand is not justified.

2.6. It is submitted that similar type of case of load enhancement for another unit of Appellant, PGVCL has given 180 days time period in accordance with Supply Code Regulations.

2.7. Appellant has requested to direct Respondent to change the release order date in accordance with Supply Code provision and commence

the billing as per enhanced demand after completion of replacement work of CTs & PTs within stipulated time and also to refund the wrongly recovered additional fixed charges.

3.0. Respondent has represented the case as under.

3.1. Appellant M/s. Nirma Limited, bearing consumer No.EHT-132400, has applied for additional load for 2000 KVA, i.e. 9500KVA + 2000KVA = 11500KVA on 07.07.2017. Appellant has made payment of estimate and executed an agreement with Respondent and thereafter release order was issued to Appellant on 08.11.2017.

3.2. Respondent has submitted the details of the case as under:

- (1) Location of Appellant is at Alindra, Taluka Savli, Dist.Vadodara.
- (2) Application for additional load of 2000 KVA was registered on 07.07.17.
- (3) GETCO's estimate letter dated 28.08.17: Only CTs replacement from 50/1A to 75/1A.
- (4) Estimate was issued by MGVCL on 05.09.17, which was paid by Appellant on 12.10.17.
- (5) Agreement was executed 03.11.17.
- (6) Release order was issued on 08.11.17.
- (7) Appellant's request letter dated 09.10.17 (addressed to GETCO with a copy to MGVCL) for allowing to use multicore CTs of 75/1A, which was denied by MGVCL vide letter dated 13.11.17.
- (8) GETCO informed Appellant to carry out joint site visit for any constraint to execute separate protection and metering CTs at Appellant's switchyard, vide letter No.3519 of 08.11.17.
- (9) Appellant has represented to MGVCL and GETCO for arranging joint site visit vide letter dated 13.11.17.
- (10) Joint site inspection was carried out on 29.11.17.
- (11) MoM of joint site inspection submitted was on 08.12.17 by Baroda MGVCL O&M Division.

- (12) Appellant vide letter dated 14.12.17 had requested to confirm whether PTs are also required to be replaced and to provide specifications for the same, if required.
 - (13) MGCVCL had written a letter dated 26.11.17 to GETCO to confirm requirement of replacement of PTs.
 - (14) GETCO vide letter No.77 dated 11.01.18 has confirmed to replace PTs and provided additional estimate for replacement of the PTs.
 - (15) After obtaining approval of competent authority, additional estimate (for PTs replacement) issued by MGCVCL to Appellant vide letter No.85 dated 20.01.18.
 - (16) Appellant has paid the amount of additional estimate vide MR No.100932 dated 14.02.18.
 - (17) Appellant vide letter dated 12.02.18 has represented regarding billing on enhanced demand of 11500KVA instead of 9500KVA.
 - (18) Vide letter dated 21.02.18, MGCVCL has replied to Appellant that the billing is done as per release order on expiry of two months period.
- 3.3. In reply to para No. 2.4(1), Respondent has submitted that said contention of Appellant is not supported by any rules or regulations. In fact, as per Clause 4.42 of Supply Code 2015, on completion of work, Respondent shall inform to Appellant for availing the power supply and if Appellant fails to avail the power supply within the period of 60 days from such intimation, he shall be liable to pay the demand charges and minimum monthly charges as applicable. Respondent may in a special circumstances extend the above period for 60 days.
- It is submitted that release order is issued after completion of line work and not after installation of meter/metering equipment. This is the procedure followed even for LT and HT connections. Tariff metering CTs and PTs are a part of metering equipment. Hence,

replacement of CTs and PTs cannot be considered as line work. Therefore, work completion by GETCO in this regard is not necessary to issue release order.

Respondent has referred the definition as defined in Supply Code,2015, 'meter' refers to equipment used for measuring, indicating and recording electrical, quantities like energy in KWh or KVAh, maximum demand in KW or KVA, reactive energy in KVARh etc., including accessories like Current Transformer (CT), Voltage Transformer (VT)/Protection Transformer(PT)/Capacitor Voltage Transformer(CVT) etc., where used in conjunction with such meter.

- 3.4. In reference to Para No. 2.4(2), Respondent has stated that Appellant has opted Option-III i.e. work execution by himself for the load extension application.
- 3.5. In reference to Para No.2.4(3), Respondent has stated that he has issued release order within time limit.
- 3.6. In reference to Para No.2.4(4), Respondent has stated that replacement of CTs & PTs is a part of metering equipment, but not a part of line work. The work of replacement of CTs & PTs is to be carried out by Appellant under Option-III as per the estimate provided to the Appellant.
- 3.7. In reference to Para No. 2.4.(5), Respondent has stated that issue of release order dated 08.11.17 is an action taken immediately after execution of agreement on 03.11.17. Release order itself gives two months time limit to avail the power supply physically. Respondent has submitted a copy of internal circular and stated that prior information of the internal circular to Appellant is not necessary.
- 3.8. Release order No. 3096 dated 03.11.17 was issued to Appellant by Speed Post to the address mentioned in the HT application form. If the letter did not reach the Appellant, the appellant himself is responsible. Respondent has further stated that till date CTs and PTs are not replaced by Appellant.

::: 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 a HT consumer of Respondent, having contracted demand of 9500 KVA. Appellant has applied for enhancement of contracted demand from 9500 KVA to 11500 KVA vide application dated 01.07.17, registered on 07.07.17 by Respondent. Estimate was paid on 12.10.17. Agreement was executed with Respondent on 03.11.17. Appellant had opted Option-III for work to be carried out by himself.
- 4.2. As per Para 2.3, Respondent has started billing from January,2018 as per release order issued vide letter dated 08.11.17.
- (1) The question arose herein is whether issue of release order is valid in term of no work involved on part of Respondent i.e. MGVCL.
- (2) The release order was not received by Appellant and proof of dispatch of Release Order was not produced by Respondent, is again a question here to decide.
- 4.3. To deal with above issue No.1, it is evidence on record that Appellant had applied for enhancement of load and paid estimated amount and made agreement with Respondent, and thereafter Respondent had issued release order and intimated Appellant to submit Test Report within two months, otherwise billing will be started after completion of two months.
- 4.4. In this case, work involved for enhancement load from 9500KVA to 11500 KVA is installation of CTs/PTs with suitable capacity rating at switchyard of Appellant, while Appellant had opted Option-III for installation/carrying out of work at his level.
- 4.5. An estimate under Option-III has been issued by Respondent on 28.07.2017.
- Annexure-I "General terms and conditions for deposit work specified the various conditions are to be followed by parties.

Respondent has stated that as there is no work involved for providing enhancement of load from 9500 KVA to 11500 KVA, release order dated 08.11.2017 has been issued to Appellant as per Circular of Respondent. While in present case, replacement of CT/PTs of suitable capacity, involved as per scope of work and for that under Option-III, Appellant had asked details/plan drawing from GETCO. Necessary site visit had been made by the officer of GETCO/ Respondent jointly with Appellant for installation of CTs/PTs at switchyard of Appellant.

Appellant has referred the definition as per Supply Code No.4 of 2015, Clause 2.3(27) "Distribution Line" in addition to that, definition of 'Electric Line' as per 2(29) has been pointed out, which is as under"

Clause 2.3(27):

'Distribution System' refers to the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers; Explanation: Any system consisting mainly of overhead lines, underground cables, service lines, electrical plant, control switchgear and meters having design voltage of 33 kV and below and shall also include any other system of higher voltage as the Commission may specifically recognize. The Distribution System shall not include any part of the Transmission System except the terminal equipment (metering system, CT and PT) connected at consumer end and used for the supply of electricity to extra high voltage (66 kV and above) consumers;

Clause 2.3(29):

'Electric Line' refers to any line which is used for carrying electricity for any purpose and includes:

- (i) any support for any such line, that is to say, any structure, tower, pole or other thing in, on, by or from which any such line is, or may be, supported, carried or suspended; and
- (ii) any apparatus connected to any such line for the purpose of carrying electricity;

From above observations, it is concluded that under Option-III, Appellant has to carry out the work at his level. Here, work involved is of installation of suitable capacity rating of CTs/PTs at location of Appellant as per approved drawing by GETCO.

- 4.6. Appellant has referred load enhancement provisions of Supply Code No.4 of 2015, Clause No. 4.85 speaks about time limit for releasing of additional load:

The overall timeline for releasing additional load, from the date of receipt of *application*, shall be as under;

Timeline for releasing additional load (energisation):

Sr.No.	Item	Time limit within
1	Aggregate Loads up to 100 KVA /100KW	Within 20 days after compliance of formalities/demand notice, if no augmentation is required otherwise 60 days.
2	Aggregate Loads above 100 KVA/100 KW and up to 4000 KVA	Within 45 days after compliance of Demand Notice/formalities by the applicant
3	Aggregate Loads above 4000 KVA	Within 180 days after completion of Demand notice/formalities by the applicant

Above provisions state time limit for providing enhancement of load and as per case of Appellant for load demand of 11500 KVA, enhanced load to be provided within 180 days after completion of demand notice/formalities by the Appellant. Therefore, in this case, Appellant under Option-III has to complete the work involved/formalities to get ready for availing additional load requirement within 180 days.

- 4.7. As per Para 2.6, Appellant has drawn attention in relation to different practice being observed by another DISCOM i.e PGVCL in similar type of case, in another electric connection under area of PGVCL, which is noted in relation with case of Appellant.

It is necessary to refer Supply Code Notification No.4 of 2015, Clause 4.33(2) which reads as under:

4.33: The demand note shall contain following details:

4.33(2): Charges for the above mentioned works to be paid by the applicant in accordance with GERC(Licensees Power to Recover Expenditure incurred in providing supply and Other Miscellaneous Charges) Regulations 2005 and amendments thereof.

Provided that if the applicant wishes to carry out the works himself, he shall be permitted to do so under supervision by the licensee's officer. Adhering to the estimate and layout approved by the licensee, the applicant can get the work of drawing of service line from the licensee's distribution mains up to his premises extension of HT/EHT line, Distribution or HT substation and LT line through Licensed Electrical Contractor (LEC). In such case, the consumer himself shall procure the materials. The material should conform to relevant BIS specifications or its equivalent and should bear the ISI mark wherever applicable. The licensee may ask for documentary evidence to verify the quality of materials used.

Provided further that if the applicant chooses to get the extension work done on his/her own, only supervision charges on the cost of material and labor charges shall be payable to the licensee.

Provided further that if the applicant chooses to get the extension work done on his own, he shall get the work done within the timeframe specified in GERC (Standard of Performance of Distribution Licensee) Regulations, 2005, as amended from time to time, failing which the licensee shall issue notice to complete work and avail power supply within 60 days from such notice, on completion of notice period, he shall be liable to pay demand charges and minimum monthly charges as applicable.

In case of Appellant, first estimate was issued to Appellant on 05.09.2017, which was paid by him and executed agreement with opting Option-III, while as per site visit and further requirement on technical ground for changing PTs, additional estimate was issued to Appellant on 20.01.18 which was paid on 14.02.18 by Appellant.

Looking to the Option-III, as opted by Appellant and work completion time limit specified in Clause 4.85 and issue of release order as per Clause 4.33(2), Respondent is eligible to issue release order only after completion of 180 days from the date of payment made on 12.10.2017 i.e. 12.04.18. On completion of 60 days after issuance of release order notice, Respondent should start billing of Appellant with enhanced load i.e. 12.06.2018. Therefore, in case of Appellant, enhance demand can be said deemed released w.e.f. 12.06.2018. Therefore, Respondent is eligible to start billing with that effective date of deemed release i.e. from 12.06.18.

- 4.8. Another issue No.2 raised by Appellant is that he has not received release order. Release order was issued by Respondent vide letter No.3069 dated 08.11.17. Proof of acknowledgement has not been produced by Respondent but it was stated that release order has been issued by speed post. On other side Appellant stated that on getting energy bill for the month of January,2018 he came to know that Respondent has started billing with enhanced load i.e. 11500 KVA. In such case, Respondent should have to produce an acknowledgement for confirming that service notice was issued by him and delivered to

Appellant, which is right way of delivery of notice issued. Therefore, Respondent is directed to maintain such records.

- 4.9. On above observations, in this case, replacement of 132KV CTs and PTs after doing modification in sub-station bay is required and Appellant has opted option-III for carrying out work himself. Therefore, Respondent is directed to provide 180 days time period from the date of payment of estimate/execution of agreement. In this case, enhanced load, deemed released would be treated w.e.f. 12.06.18 and minimum billing should be started thereafter.

As Appellant has not completed replacement of CTs/PTs on his part under Option-III, Respondent is directed to physically release the enhance load only after receiving Test Report from Appellant.

Any amount recovered in the previous bills as minimum charges would be given credit to the next billing of Appellant.

- 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: 03.07.2018.