

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

**CASE NO. 115/2018**

**Appellant :** M/s. Srss Agro  
Survey No. 689/3, National Highway-8A  
Village: Vindhiya. Samakhyali  
Dist. Kutch-370150

**Represented by:** Shri Lalitbhai L.Vanjani, Authorized representative  
Shri Kishanbhai Agarwal, Owner

**V/s.**

**Respondent:** Executive Engineer  
Paschim Gujarat Vij Company Ltd.,  
Division Office, BHACHAU-370140(Kutch).

**Represented by:** Shri J.Y.Rao, EE, PGVCL, Bhachau Divn.Office  
Shri H.B.Rakholiya, I/c.EE, PGVCL, Bhachau D.O.

**:::PROCEEDINGS:::**

- 1.0.** The Appellant had submitted representation aggrieving with the order No.154 dated 03.11.2018 passed by the Consumer Grievances Redressal Forum, Paschim Gujarat Vij Company Limited, Bhuj, in case No. PG 03/001/2018-19. The representation was registered at this office as Case No.115/2018. The hearing of this case was kept on 17.01.19, 31.01.19, 14.02.19, 26.02.19 and 05.03.19.
- 2.0.** The case is represented by Appellant as under.
  - 2.1.** Appellant has filed appeal against decision of CGRF, PGVCL, Bhuj towards exorbitant estimated charges raised upon for laying entire feeder augmentation in respect of application of Appellant, M/s. SRSS Agro, LS No.689/3 at village Vandhiya (Samakhiyali), Taluka Bhauch-kutch, for enhancing contracted demand from 180 KVA to 300 KVA for HT connection No.32403.
  - 2.2.** Appellant is a HT consumer of Respondent since release of HT connection in July,2012. Appellant is a small scale industry and 100% export of sesame seeds by procuring agro products from Gujarat.

2.3. Earlier, Appellant had asked for enhancement of contracted demand from 180 KVA to 300 KVA in December,2015, but estimate was not served by Respondent for the said application. No communication had been received regarding status of application from Respondent.

Vide letter dated 10.03.2017 from Executive Engineer, Bhachau after lapse of around 16 months, Respondent had asked to resubmit fresh documents like (1) Application form A-1 (2) Fresh 7/12, 8A, 6-Hakk patrak and Gamna Namuna-2 (3) ownership proof i.e. Registered sale-deed, lease deed for minimum three years of the premises as per layout plan.

Further, Respondent had cancelled application of Appellant.

2.4. Appellant has referred SoP Notification No.10 of 2005, Chapter IX – Release of new connection, Clause 9.3 and submitted that Respondent is liable to observe following timeline in respect of Bulk Power connection.

Sr.No.	Item/Activity	Time limit(within)
1.	Loads above 100KVA/100KW and up to 4000 KVA for TPAL, loads above 100KVA and up to 2500KVA for TPSL and GEB.	
	Issue of feasibility clearance	Within 7 days of receipt of application.
	Issue of Demand notice	Within 15 days of receipt of application.
	Release of connection	Within 45 days after compliance of Demand Notice/formalities by prospective consumers.

2.5. Notwithstanding the above said GERC norms, it was rather intimated that application of Appellant for the load enhancement is cancelled. It is submitted that Appellant has obeyed the guidelines given in the letter, i.e. Appellant has submitted fresh documents. Appellant was verbally instructed to make a fresh deposit of Rs.1200/- towards the registration charges for the load enhancement from 180 KVA to 300 KVA, which was paid vide Receipt No.15671 dated 26.04.2017.

2.6. In lieu of second time Registration, Appellant was served an estimate amounting to Rs.41,71,879/- vide letter No.BDO/HT LE Estimate/17/1932 dated 08.05.2017, in which Rs.35,04,244/- were charges towards the line conversion from 55 sq.mm. AAA conductor to 100 sq.mm. Dog conductor. The entire main length of 14.85 KM of 11KV Surajbari feeder is considered in the said estimate. The last date of the

payment of estimate was 7<sup>th</sup> June,2018. Appellant being a very small scale industry and due to inability to pay such huge amount towards the entire feeder line conversion charges, Appellant could not pay the estimate raised by Respondent and due to non-payment of the same, estimate must have got cancelled. Appellant was not intimated about its validity status by Respondent.

- 2.7. (a) Vide letter No. 2895 dated 12.06.2017 Respondent has intimated Appellant to pay the Security Deposit shortfall of Rs.4,47,437/- for the review period from April,2016 to March,2017, which was paid by Appellant vide Receipt No.15885 dated 10.07.2017.
- (b) Vide letter No.5463 dated 27.11.2017 Respondent had advised to see that the MD of Appellant's connection is kept within the permissible limit.
- 2.8. A notice was served by Respondent – Circle Office, Anjar - to Appellant vide letter No.AC/Tech/AMD /2017/5774 dated 05.12.2017 for enhancement of load due to drawing more demand against the contracted demand. In reply to this Appellant, vide his letter dated 08.01.2018 had intimated that he had already applied number of times for enhancement of contracted demand, but application of Appellant was either rejected or refused to sanction desired load. Appellant has clearly stated that as the estimated charges were raised for the augmentation of line of entire feeder, the cost being beyond reach of Appellant, it could not be paid by him.
- 2.9. Executive Engineer, Bhachau had again served an estimate vide letter No. 2388 dated 17.05.2018 in reference to GERC Supply Code Clause 4.95 for the amount of Rs. 37,71,808/-, in which again the entire feeder (14.85 KM) line conversion charges of Rs.35,04,244/- were raised. Appellant had already replied vide his letter dated 15.07.2018 to EE, Bhachau that Appellant being a small scale industry, he cannot pay such huge amount for a small increase in the load i.e. only 130 KVA, as levying the entire feeder cost. In respect of the above, Appellant has represented the case to Hon'ble Energy Minister of Gujarat vide letter dated 30.07.2018.

- 2.10. Appellant had received electricity bill of Rs.8,46,263.24 for the month of July,2018 on 18.07.2018. Another electricity bill for the month of July,2018, amounting to Rs.7,85,715.74 was received on 19.07.2018 showing as current month's bill plus adv. Payment/adjustment charges as Rs.37,71,808/-, total amounting to Rs.45,57,523.81. Appellant has paid the electricity bill served to him vide HT bill dated 18.07.2018 on 23.07.2018. Another bill served to Appellant dated 19.07.18 is unacceptable to Appellant as it is showing an adjustment amount towards the CD enhancement done as per the Supply Code 4.95.
- 2.11. Appellant has received disconnection notice vide letter No.4774 dated 01.08.2018 stating to clear outstanding amount of Rs.45,57,523.81. In this regard it is stated that Appellant has already paid the energy bill towards the monthly consumption. The other sum so raised is not acceptable to Appellant.
- 2.12. It is stated that electricity bill for the month of August was received vide HT bill dated 18.08.2018 to which the current month's charges amounting to Rs.8,39,102.65 was paid by Appellant through RTGS on 27.08.2018. In lieu of the electricity bill, again Appellant was served a disconnection notice vide letter No.5297 dated 30.08.2018, which is already replied by Appellant on 11.09.2018.
- 2.13. Appellant has submitted the Balance Sheet for the F.Y.2017-18 and stated that Appellant is hardly a profit making firm. It is stated that Appellant has achieved a small profit of Rs. 7,41,583.53 and the loan liability is Rs.92,68,124.49. This is a major reason for inability to pay an estimate of Rs. 37,71,808/- towards the load enhancement of only 120KVA.
- 2.14. Appellant had represented before CGRF, Bhuj vide letter dated 18.09.2018 mentioning above facts and after hearing on 19.10.2018, CGRF has given an order vide letter dated 03.11.2018. Appellant was not satisfied by the verdict given by CGRF, hence filed the present representation.

- (a) As per Para 4.3 of CGRF order, it is stated that load extension application was pre-audited by Bhuj Circle Office on 29.01.2016. Estimate was not issued due to technical non-feasibility at that time. This point is not acceptable as it is violation of Clause 9.3 of SoP Notification 10 of 2005. Appellant was neither served any estimate nor any reply regarding non-feasibility was given.
- (b) CGRF order Para 4.4 is not convincing as related issue was technically non-feasibility while para brief about bifurcation of Bhuj Circle office and creation of Anjar Circle Office. It is a duty of concern of Respondent to see the application and act upon as per norms of GERC.
- (c) CGRF order Para 4.5 says that guidelines were sought by Bhachau Division Office from Anjar Circle Office. Appellant is not convinced that why the guidelines were asked after eight months from the date of pre-audit of case file of Appellant.
- (d) CGRF order Para 4.7 to 4.9, it is submitted that as per directives fresh application was registered on 26.04.2017 and estimate of Rs.41,71,879/- was issued by Respondent considering cost of conversion of 55 mm<sup>2</sup> AAAC to 100 mm<sup>2</sup> Dog Conductor for 14.85 KM for additional load demand of 120KVA. Appellant had asked details of connections released on 11KV Surajbari feeder from December,2015 to 8<sup>th</sup> May,2017.

The above demand was put up to ascertain the guidelines/provisions/Clause 6.3 of Notification No.10 of 2005 – Voltage variation is observed by Respondent. Relevant clause is as under:

**Clause 6.3:Voltage Variations:**

*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%.*

*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 required, the complaint shall be resolved within 180 days. The complainants shall be informed in writing.*

All questions raised by Appellant were un-answered and details were not provided to Appellant.

Appellant has requested to verified the details of new connections/ load released on 11KV Surajbari feeder during the said period and to decide the issue.

**3.0.** The case is represented by Respondent as under.

- 3.1. Appellant has violated the contracted demand from the date of connection.
- 3.2. Appellant has submitted documents for higher contracted demand from 180 KVA to 300 KVA and paid registration charge of Rs.1200/- at Division Office, Bhachau on 26.04.2017.
- 3.3. After getting approval from Circle Office, estimate of Rs.41,71,879/- was issued to Appellant vide letter No.1932 dated 08.05.2017. The last date for payment of estimate was 07.06.2017.
- 3.4. Appellant had neither paid the estimated amount till last date of estimate nor applied for time limit extension, so it was cancelled.
- 3.5. Circle office, Anjar, vide letter No.5774 dated 05.12.2017 had intimated Appellant to enhance the load due to drawl of more demand against the contracted demand.
- 3.6. After getting approval from Circle Office, Anjar with reference to GERC Supply Code Clause No.4.95, Respondent had issued estimate amounting to Rs. Rs.37,71,808/-vide letter No.2758 dated 10.05.18 to Appellant. The last date for payment of estimate was 16.06.2018.
- 3.7. Appellant had not paid the amount of estimate till last date. Therefore, as per GERC Supply Code Clause No.4.95, the estimated amount was debited in Appellant's bill and issued the bill on 19.07.2018.
- 3.8. Disconnection notice was issued to Appellant vide letter No.4774 dated 01.08.2018 and letter No.5297 dated 30.08.2018.

3.9. Aggrieved with the estimate issued to Appellant, he approached CGRF. After CGRF order, Appellant has violated the contracted demand.

3.10. Respondent has submitted following details regarding maximum demand recorded by the Appellant since release of connection.

Sr. No.	Month	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
1	April		167	165	193	239	290	311
2	May		172	164	195	227	283	295
3	June		154	157	186	218	290	350
4	July	210	157	160	191	244	327	314
5	August	211	69	176	199	231	279	335
6	September	205	178	183	204	230	303	355
7	October	187	174	168	215	268	295	380
8	November	185	176	167	216	268	294	294
9	December	188	165	224	243	272	294	294
10	January	191	168	202	223	329	314	183
11	February	171	165	196	255	296	286	216
12	March	171	147	194	224	298	279	

3.11. Vide letter No.1048 dated 26.02.2019, Respondent has submitted rejoinder as under:

- (1) Respondent has submitted list of connections released and made PDC on 11KV Surajbari feeder during December,2015 to March,2017, which includes 3 No. of LTMD tariff category connections, having total load of 174 KW, were released.
- (2) After creation of Anjar Circle Office, guidelines were asked by Bhachau Division vide letter No.3775 dated 05.10.2016 and Anjar Circle Office vide letter No.736 dated 20.02.2017 has instructed to obtain new documents from HT consumer & process the same after getting all documents pre-audited by Anjar Circle.
- (3) Appellant was informed vide letter No.1037 dated 06.03.2017 by Bhachau Division Office for cancellation of old application and to submit fresh documents.

3.12. Respondent vide his rejoinder letter No.1410 dated 11.03.2019 has stated as under:

- (1) Release of 174 KW on 11KV Surajbari JGY feeder:  
Respondent has released LT connections of total load of 174 KW during December,2015 to March,2017 as per norms stated in letter No.3473 dated 20.05.2011. Regarding quality power supply

on 11KV Surajbari JGY feeder, there is no any low voltage complaint from consumers.

To improve the quality of power supply in this area, Respondent company had proposed new sub-station near Shikarpur village in the year 2015. Now GETCO has started new sub-station work near Shikarpur village (from where 11KV Surajbari JGY feeder will become three feeders) which will be completed by the end of June,2019. Appellant being a HT consumer, Respondent has proposed as per existing norms which results the estimated amount of Rs.41,71,879/-.

- (2) Although approval is received for load extension from Bhuj Circle Office on 29.01.2016, newly created Anjar Circle has taken decision for reprocessing of application for load extension again vide letter No.736 dated 20.02.2017.

Registration was carried out by Appellant for 120 KVA load extension by paying registration charges of Rs.1200/- vide MR No.15671 dated 26.04.2017. On receiving technical feasibility by 14.85 KM conversion of 11KV Surajbari feeder from 55 mm<sup>2</sup> AAA conductor to 100 mm<sup>2</sup> Dog conductor, total estimate amounting to Rs. 41,71,879/- was served to consumer vide letter No.1932 dated 08.05.2017 and validity of estimate was mentioned as one month from the date of issue.

- (3) In case of HT, EHT and demand based LT connections, if the maximum demand was recorded to be in excess of contract demand by 5% or more at least four times during last financial year, Respondent company is supposed to initiate actions as per Clause 4.95 of Supply Code Notification No.4/2015. Accordingly, Suo Moto estimate was issued to Appellant for total amount of Rs.37,71,808/- by Bhachau Division vide letter No.2388 dated 17.05.2018.

It is submitted that Appellant has failed to maintain the contracted demand within limit during November,2018, December, 2018 and February,2019 even after CGRF directions.

**::: 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 180 KVA since release of HT connection from June,2012. Appellant had applied for additional load from 180 KVA to 300 KVA, i.e. 120 KVA, in the month of December,2015. Registration was also made, along with case file was pre-audited by Respondent but estimate was not issued to Appellant. Later on Bhachau Division of Respondent had cancelled the application of additional load vide letter No.1037 dated nil, received on 10.03.2017 and informed Appellant to apply a fresh with relevant documents.

In the whole process of additional load application in the month of December,2015 to cancel the additional load application up to 10.03.2017, no any communication was made by Respondent to Appellant. CGRF has also observed in its order in Para No.5.0 that Respondent has failed to follow necessary provisions of SoP Regulations,2005, which is seemed to be correct on verification of factual details submitted by parties.

4.2. In this regard it is necessary to verify whether Respondent has observed the relevant provisions of Supply Code,2015 or not. It is to note that additional load application was registered in the month of December,2015 and at that point of time Supply Code,2015 was in existence and therefore relevant provisions of load extension are required to be watched to deal with present issue. Referring to the Clause 4.80 to 4.87 of Supply Code,2015, after receipt of application with complete details and necessary documents and after carrying out the site inspection by Respondent, time frame for issue of demand notice in this case would be 15 days for aggregate load up to 100 KVA/KW and up to 4000 KVA. Same way for release of additional load time line stipulated is of 45 days after compliance of Demand Note/ formalities by the Applicant.

From the above, it is surprising to note that there is a gross negligence on part of Respondent for not processing application for additional load which was registered in the month of December,2015.

It is also surprising to note that said application for additional load was cancelled by Respondent in March,2017, after lapse of 15 months, without giving any reason and Respondent had directed to Appellant to apply afresh with relevant documents.

It is a duty mandated by provisions of Supply Code,2015 that to intimate/communicate to Appellant regarding additional load application registered in December,2015. Respondent had not processed the said application for additional load and remained silent during that period till cancellation of application.

On other side looking to the maximum demand recorded by Appellant since release of connection, i.e. June,2012, Appellant was drawing excess demand as per stipulated percentage of 5% of its contracted demand. By way of these observations, it is a duty cast upon the Respondent to process application for additional load as registered by Appellant in the month of December,2015.

Looking to the submission made by Appellant related with release of various electric connections from December,2015 onwards, Respondent had released 3 No. of LTMD connections on 11KV Surajbari feeder wherein existing connection of Appellant is fed. This also proves that at that relevant point of time additional load demand of Appellant might have technically feasible.

Respondent had not produced any documentary evidences on part of processing of said additional load application, and therefore it is not possible to take any decision at present on part of technical feasibility for additional load demand of Appellant as per application registered in the month of December,2015. Overall, it is a gross negligence of Respondent for not taking any action for additional load application registered in the month of December,2015.

- 4.3. From the records submitted by Respondent and observations made by CGRF, as per directives of Respondent, application for additional load

demand of 120 KVA was made again by Appellant on 26.04.2017, for which estimate of Rs.41,71,879/- was issued by Respondent on 08.05.2017 recovering conversion of 14.85 KM from 55 mm<sup>2</sup> AAA conductor to 100 sq.mm<sup>2</sup> Dog conductor on 11KV Surajbari feeder, on the ground of keeping Voltage Regulation within permissible limit.

Thus technical feasibility was observed by Respondent and proposed augmentation of 11KV Surajbari feeder with 100 Sq.mm<sup>2</sup> Dog conductor and it was charged to Appellant in estimate, which was not paid by Appellant being high amount of estimate.

As per Para No. 5.3 of CGRF order short fall amount of Security Deposit of Rs. 4,47,437/- for the review period April,2016 to March,2017 was paid by Appellant on 10.07.2017.

- 4.4. Respondent had first time issued notice on 27.11.2017 to Appellant directing to control contracted demand within permissible limit as per Clause No.4.95 of Supply Code,2015, after non-payment of estimate for additional load application dated 26.04.2017. Again notice dated 05.12.2017 was issued by Anjar Circle Office of Respondent to Appellant to control contracted demand, and thereafter as per Clause 4.95 of Supply Code,2015, Circle Office, Anjar of Respondent had issued Suo moto estimate of Rs.37,71,805/- to Appellant vide letter dated 10.05.2018, recovering conversion cost of 14.85 KM of conductor for contracted demand of 310 KVA. Appellant had not paid the said estimate mentioning reason that the estimate amount is very huge for additional load of 130 KVA, and subsequently Respondent had debited estimated amount in to energy bill of July,2018 and later on issued disconnection notice on 30.07.2018 for payment of due amount of Rs. 45,57,323/-. But Appellant had paid the amount of regular energy bill of July,2018 on 23.07.2018.

Similarly, for the month of August,2018, Appellant had paid regular energy bill on 27.08.2018 through RTGS against notice dated 30.08.18 of Respondent and requested Respondent not to disconnect the electricity supply on 11.09.2018 as Appellant has intended to file grievance before CGRF.

4.5. CGRF has decided the grievance of Appellant and findings were mentioned in Para 6.5 of its order dated 03.11.2018.

From the said findings

- (a) It is observed that additional load demand of 120 KVA of Appellant is technically not feasible to cater from existing 11KV Surajbari feeder.
- (b) At present situation, estimate issued to Appellant recovering conversion cost of conductor is as per present norms and there is other provision like pro-rata charges.
- (c) Appellant has to restrict his contracted demand or to pay estimated amount.
- (d) New 66KV Shikarpur sub-station is underway of commissioning as per planning of 2018-19. Respondent may decide feasibility after commissioning of this sub-station for granting additional load of 120KVA to Appellant and it was directed for two months' time limit for payment of estimated amount to Appellant.
- (e) On failure of restriction of contracted demand of Appellant, Respondent was directed to take action for disconnection after issuing disconnection notice as per norms.
- (f) Grievance filed by Appellant before CGRF to withdraw the estimate issued by Respondent for enhancement of load was not entertained till other technical feasibility for granting additional load is established.

4.6. In the Appeal of Appellant, he 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 survey work from newly commissioned 66KV Shikarpur sub-station to location of Appellant and given consent for controlling his contracted demand. After issue of CGRF order, as per the submission by Respondent, the contracted demand recorded is as under:

For the month of November,2018:	294 KW
December,2018:	294 KW
January,2019:	183 KW
February,2019:	216 KW

which shows that Appellant has violated his consent submitted earlier and not maintained his contracted demand within permissible limit.

Respondent has submitted in Para 3.11 that new 66KV Shikharpur sub-station and 11KV Surajbari feeder bifurcation will be completed at the end of June,2019.

From the above observations and looking to the limited prayer of Appellant, and taking balanced view on part of whole grievance i.e. at earlier stage, additional load demand was not approved for a longer period by Respondent and thereafter on constraint to accommodate additional load of Appellant on existing network, full cost of conversion of feeder was charged, which was huge amount for Appellant for additional load of 120KVA. Now infrastructure for electric network segregation is under way and will be completed by end of June,2019. Therefore, it is advisable to give Appellant a chance to control contracted demand for further two months or till commissioning of new sub-station. Meanwhile, Respondent is directed to carry out site survey work for bifurcation of 11KV Surajbari feeder on technical ground to have proper load balancing on 11KV feeder with permissible Voltage Regulations at tail end of feeder as per relevant norms.

On one side Appellant is requesting to direct Respondent not to disconnect electric supply and other side appellant himself not observing and controlling his contracted demand as seen from above table.

It is also noted that at earlier stage in December,2015, Respondent had overlooked and neglected application for additional load demand of Appellant, but on view of recorded maximum demand, Appellant had enjoyed by utilizing more than contracted demand continuously for a longer period and till date, after issuance of CGRF order, he has violated the provision of 4.95 of Supply Code, 2015 during December,2018 to February,2019.

- 4.7. On receipt of CGRF order, Appellant is failed to control his contracted demand even after consent given for the same before CGRF. 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.

4.8 I order accordingly.

4.9. No order as to costs.

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

(Dilip Raval)  
Electricity Ombudsman  
Gujarat State

Ahmedabad.

Date: 20.03.2019.