

## AGENDA NOTE

FOR

### THE 18<sup>th</sup> MEETING OF THE STATE ADVISORY COMMITTEE

Date	18-07-2013
Time	11.00 AM
Venue	<b>Gujarat Electricity Regulatory Commission</b> 6 <sup>th</sup> Floor, GIFT One, Road 5-C, Zone 5, GIFT City, Gandhinagar-382355

AGENDA ITEM NO.	NOTES ON AGENDA
1	Approval of the minutes of the 17 <sup>th</sup> Meeting of the State Advisory Committee held on 16 <sup>th</sup> April, 2013.
2	Action Taken Report on the minutes of the 17 <sup>th</sup> Meeting of the State Advisory Committee.
3	Petitions for Review of Business Plan
4	Discussion Paper on determination of tariff for procurement of power by distribution licensees and others from biomass based power projects and bagasse based co-generation projects for the state of Gujarat.
5	Regulation on Demand Side Management
6	Standard of Performance (SoP) and Monitoring of performance of CGRFs
7	Issues raised by the Members
8	Any other Item with the permission of Chair

**Agenda Item No.1: Approval of the minutes of the 17<sup>th</sup> Meeting of the State Advisory Committee held on 16-04-2013 at Ahmedabad.**

The 17<sup>th</sup> Meeting of the State Advisory Committee was held on 16-04-2013 at Ahmedabad. The minutes of the meeting were sent to all the members on 09-05-2013 and Addendum to the minutes were sent on 10-06-2013. Since no comments have been received from any of the members, the minutes may be approved.

**Agenda Item No.2: Action Taken Report on the minutes of the 17<sup>th</sup> Meeting of the State Advisory Committee.**

<b>Item No. of the minutes</b>	<b>Detail of the Item</b>	<b>Action Taken Report</b>
2.2(ii)	-It was decided that PGVCL and DGVCL have to finalize the insurance policy scheme for crop damage within One month.	-DGVCL informed that it has carried out meetings with various insurance agencies and their proposals are awaited for finalizing the insurance policy scheme for crop damage - In line with the UGVCL, PGVCL has also taken up action for Crop Insurance Policy with the Oriental Insurance Company. Oriental Insurance Company revised the premium for PGVCL and on negotiation they reduced it, therefore, certain time has elapsed in process. However, PGVCL shall undertake Crop Insurance Policy at the earliest.
2.2-7	The DISCOMs were asked to provide (i) action plan for pre-monsoon maintenance and (ii) general maintenance of feeders taken up by each utilities well in advance. A committee was formed consisting of Shri H.S.Patel, MD, DGVCL and Shri S.Khayalia, MD, MGVCL, Shri Maganbhai, Bhartiya Kisan Sangh and	(1) As informed by MGVCL, DGVCL, UGVCL and PGVCL, The first meeting of the Maintenance Monitoring Committee was held at Baroda on 15th May, 2013, headed by M.D., DGVCL, where in the maintenance carried out and planning was reviewed. The various issues of maintenance, safety and suggestions to improve the current scenario was discussed at length. The next meeting will be held in the month of August 13 and all DISCOMs are instructed to bring ATR on the MOM of meeting Dtd 15.05.2013.

	<p>Shri Shivlal Barasia, Rajkot Engineering Industries Association, and Shri Kirti kumar Amin to discuss the various issues of maintenance and incorporate the suggestions in their action plan /safety measures to improve the current scenario. They were agreed to meet at Baroda on 15<sup>th</sup> May, 2013.</p> <p>In response to the suggestion made by Smt.Elaben Bhatt, the utilities were asked to identify the schools where such awareness campaign can be held to make the students understand the safety and relative aspects.</p>	<p>(2) As regard the suggestion of Smt.Elaben Bhatt to generate awareness about safety amongst school children, the following actions are taken by DISCOMs:</p> <ul style="list-style-type: none"> <li>- Rallies were arranged at various schools in all the District of MGVCL.</li> <li>-DGVCL has carried out campaign in two schools of Bharuch. In this campaign about 120 students were educated about safety aspects.</li> <li>- PGVCL had arranged Programs at Rajkot.</li> </ul> <p>Safety related Hand bills/ pamphlets etc. were distributed among the students And safety and energy conservation related Slide Show was Shawn.</p>
2.8(3)	<p>The MDs of all utilities asked to hold a meeting at their level to monitor the release of new connections.</p>	<ul style="list-style-type: none"> <li>-As informed by MGVCL, the meeting is being arranged at MD level with officers of the concerned Sub-Division/Division/Circle offices every month to review release of new connections.</li> <li>-As informed by DGVCL, MD , DGVCL is directly monitoring periodically with circle heads as well as in HOD meetings for the progress of release of all category of connections , for any bottleneck, spot discussion is taken by MD .</li> <li>- As informed by UGVCL,Chief Engineer &amp; MD are monitoring the release of new connections in various meetings.</li> <li>-As informed by PGVCL, meetings are being arranged at MD level with officers of the rank of Superintending Engineer every month to review release of new connections. Progress is reviewed and monitored for all categories of</li> </ul>

		consumers. Moreover, MD holds meeting at Circle Level with the Sub Division Officers of concerned circle and all activities are reviewed including release of new connections.
2.9(2)	The MDs of utilities instructed to submit road map for complete replacement of old meters by Static Electronic meter.	-As informed by MGVCL, all the Electro Mechanical Meters will be replaced by 2018. - DGVCL has instructed to all field officers to replace all old electromagnetic meters up to the month of Dec-2013. - UGVCL plans to replace all the meters by static in a phased manner by replacing 2.5 lakh meters every year, so as to ensure that by FY 2019-20 all meters are static. -PGVCL will replace all the electro-mechanical meters latest by 2018 -19.
9	Shri Kirtikumar Amin raised a point that agricultural connections in urban area falling under “D” category should also be processed for release in line with “C” category connections. Such agricultural connections may be useful for vegetable and fodder crops. CE, UGVCL asked to arrange meeting of MD, UGVCL with Shri Kirtikumar to discuss the issue.	- The meeting with Shri Kirtikumar Amin, has been scheduled on Friday the 8 <sup>th</sup> of July, 2013 with MD, UGVCL.
9(2)	With regard to the issues raised by Rajkot Industries Association and other members, the GUVNL asked to hold a meeting at the level of MD with SAC members to address the same	-As informed by GUVNL, a meeting will be held on convenient date with SAC members.
9(3)	Shri Maganbhai Patel informed that utilities are not providing 2nd agriculture connection in the same survey number. GUVNL was directed to submit a report to the Commission for further deliberation.	-As informed by GUVNL, The second Agriculture connections in the same survey number are not provided by the DISCOMs in accordance with the regulation 4.1.17 of Electricity Supply Code.

9(4)	Shri Jyotindrabhai Patel informed the commission about false Electricity bills issued under extension load. The Ombudsman was asked to study the case in detail and submit a report to the Commission.	- The Ombudsman has submitted detailed analysis report which is enclosed in Annexure-I.
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### **Agenda Item No.3: Petitions for Review of Business Plan**

As per Regulation 16.2 and 21.1 of GERC (Multi-Year Tariff) Regulations, 2011, the Utilities may seek review of the Business Plan and review of trajectory , 3 months prior to filing of Petitions for truing up for second year of the control period i.e. FY 2012-13.

Further, as per the provision stipulated in Regulation 29.8 of GERC (Multi-Year Tariff) Regulations, 2011, every utility is required to file their petition for truing up of FY 2012-13 and determination of tariff for FY 2014-15 latest by 30<sup>th</sup> November 2013.

Accordingly, the petition for mid-term review of the business Plan and review of trajectory may be submitted to the Commission latest by 30<sup>th</sup> August 2013. A separate letter has also been sent to each utility for submission of Business Plan Review and Trajectory Review, if it is found necessary for them.

### **Agenda Item No. 4: Discussion Paper on determination of tariff for procurement of power by distribution licensees and others from biomass based power projects and bagasse based co-generation projects for the state of Gujarat.**

The Commission has issued discussion paper on 24.06.2013 determination of tariff for biomass based power generation and bagasse based co-generation in the State 24.06.2013. The discussion paper is placed on the Commission's website ([www.gercin.org](http://www.gercin.org)) for inviting suggestions/comments from the stakeholders' upto 15.07.2013. The Commission will hear the stakeholders and others on 26/07/ 2013 at 11:30 A.M. After considering all comments and suggestions from the stakeholders the final order will be issued thereafter.

The above discussion papers are for deciding third tariff orders for biomass and bagasse based power generation projects in the State. The control period for new tariff orders will commence from 1 August, 2013 and shall expire on 31 March, 2016. The Commission has considered the various normative parameters based on the data available from various resources, orders of the SERCs, CERC. The normative parameters will be decided by the Commission based on the orders of various SERCs, CERC and the inputs given by GEDA, public and State Government. The order will build confidence in the project developers to establish the plants from such Non-conventional Resources. It will be helpful on socio-economic aspects also.

The Commission has proposed the tariff for the new control period of Biomass based power project and Bagasse based co-generation projects as under:

<b>Parameters</b>	<b>Biomass based Power Projects with Water-Cooled Condensers</b>	<b>Biomass based Power Projects with Air-Cooled Condensers</b>	<b>Bagasse based Co-generation Projects</b>
Tariff Proposed for next control period (FY 2013-2014 to FY 2015-2016)	<p>Tariff without AD benefit:</p> <p>Levelised fixed component of tariff - Rs. 1.75 /kWh for 20 years And *variable component of tariff for FY 2013-14 - Rs.3.22/ kWh, FY 2014-15 - Rs. 3.39/kWh, FY 2015-16 - Rs. 3.55/kWh</p> <p>Tariff with AD benefit:</p> <p>Levelised fixed component of tariff - Rs. 1.46 /kWh for 20 years And *variable component of tariff for FY 2013-14 - Rs.3.22/ kWh, FY 2014-15 - Rs. 3.39/kWh, FY 2015-16 - Rs. 3.55/kWh</p>	<p>Tariff without AD benefit:</p> <p>Levelised fixed component of tariff - Rs. 1.86 /kWh for 20 years And *variable component of tariff for FY 2013-14 - Rs.3.35/ kWh, FY 2014-15 - Rs. 3.52/kWh, FY 2015-16 - Rs. 3.69/kWh</p> <p>Tariff with AD benefit:</p> <p>Levelised fixed component of tariff - Rs. 1.55 /kWh for 20 years And *variable component of tariff for FY 2013-14 - Rs.3.35/ kWh, FY 2014-15 - Rs. 3.52/kWh, FY 2015-16 - Rs. 3.69/kWh</p>	<p>Tariff without AD benefit:</p> <p>Levelised fixed component of tariff - Rs. 1.83 /kWh for 20 years And *variable component of tariff for FY 2013-14 - Rs.2.42/ kWh, FY 2014-15 - Rs. 2.54/kWh, FY 2015-16 - Rs. 2.67/kWh</p> <p>Tariff with AD benefit:</p> <p>Levelised fixed component of tariff - Rs. 1.51 /kWh for 20 years And *variable component of tariff for FY 2013-14 - Rs.2.42/ kWh, FY 2014-15 - Rs. 2.54/kWh, FY 2015-16 - Rs. 2.67/kWh</p>

(\* Commission will revisit the cost of biomass / bagasse at the end of control period and re-determine the variable component of tariff for the new control period.)

### **Agenda Item No.5: Regulation on Demand Side Management**

The Commission has notified the GERC (Demand Side Management) Regulation 2012 on 8<sup>th</sup> May 2012. According to Regulation, the distribution licensee has to form DSM Cell and prepare DSM plan according to available technical potential of DSM in the licensee supply area. The meeting was held on 6<sup>th</sup> May 2013 at GERC Office, Ahmedabad with MD, GUVNL and MDs of DISCOMs to review DSM activities. MD, GUVNL on behalf of all DISCOMs informed that all Four State owned DISCOMs have already established DSM Cell and TERI has been appointed as a consultant for identification of technical potential and preparation of DSM Plan. DISCOMs have started collecting baseline data asked by TERI. TPL has also formed DSM cell and started collecting DT meters data for consumption analysis. The Commission had approved Four Month Time Limit for submission of DSM Plan i.e. up to 06/09/2013 for State owned DISCOMs and TPL. As regards Deemed distribution licensees i.e. SEZs submitted that they are at nascent stage of Distribution Licensee operation. They will carry out and follow the DSM activities as prescribed in the Regulations to the extent of resources with them.

### **Agenda Item No. 6: Standard of Performance (SoP) and Monitoring of performance of CGRFs**

Utility wise SOP reports for the last three quarter of FY 2012-13 along with reports of previous year with Commission's observation are kept as Annexure -II The number of accidents during last three quarters of 2012-13 indicates not noticeable reduction in almost all the DISCOMs. Failure rate of Distribution transformers had reduced in PGVCL, DGVCL, TPL (A) and TPL(S). Reliability Indices calculations were discussed in detail by the Commission with DISCOMs in meeting held on 21<sup>st</sup> May 2013. It was decided to include Plant Shut Down in calculation of SAIFI and SAIDI.

Monitoring report of CGRFs for the QII,QIII and QIV for the year 2012-13 are kept at Annexure- III

### **Agenda Item No. 7 : Issues raised by the Members**

### **Agenda Item No. 8 : Any other Item with the permission of Chair**

**Annexure – I**

**Agenda Item No. 2, Item No.  
9(4) of Action Taken Report by Ombudsman**



**Complainant:** Shri Jyotindrabhai Patel  
Chairman(Energy Committee)  
Gujarat Chamber of Commerce & Industry  
Ashram Road, Ahmedabad.

**Nature of complaint:**

He has received many complaints from Residential and Commercial category consumers of Torrent Power Limited regarding issue of supplementary bills under Section 126 of the Electricity Act,2003 for one year, with double penalty. Bills are served without any breakup.

Though Load Factor of such category of consumer is only 30%, TPL is assessing the load on the basis of connected appliances like lights, fans, air-conditioners, plugs etc.

The static meter is recording and displaying billing period maximum demand but same is not considered while issuing supplementary bills. He has attached provisional assessment bills of Service No. 3077493 and Service No. 22309.

Shri Jyotindrabhai Patel requested Hon'ble Commission to direct Torrent Power Limited to stop issuing such illegal supplementary bills.

**Compliance submitted by Torrent Power Limited:**

- 1) RGP, LTMD-1 and LTMD-2 services are NOT registered under Section 126 of the Electricity Act, 2003 for unauthorized extension of load.
- 2) Only Non-RGP category consumers, having sanctioned load of less than or equal to 15 KW, are checked and booked for unauthorized extension of load as per Section 126 of the Electricity Act, 2003.
- 3) As per Section 3.1.2 of Supply Code (Fourth Amendment) dated 20.06.2012, the rated voltage of AC supply should be
  - (a) 230 V single phase: For all installations up to and inclusive of 6 KW of connected load (Amended from contracted to connect).
  - (b) 400V Three Phase: For all installations exceeding 6 KW of connected load.... and up to 100KVA/KW of contracted demand.
- 4) There is provision in tariff LTMD-1 and LTMD-2 to declare "Contract Demand" over and above "Sanctioned Load" asked. By which, billing for fixed charges will be done on the basis of contract demand after taking meter reading of Maximum Demand recorded.
- 5) As per Section 7.6.5 of Supply Code (First Amendment):

- (a) TPL is considering Maximum Demand available from MRI data if such type of meter is available at site.
- (b) Over and above, after issue of provisional assessment, when consumer submits valid reasons for revision, TPL consider it to revise connected load and/or period of assessment, as the case may be.
- (c) In the case of replaced meter, TPL provisional assessment bill programme is so developed that it automatically takes actual period of assessment (if replaced within one year) from the date of replacement.
- (d) If there is previous checking done for same meter and premises, and then also it is considered and revise the period of assessment.
- 6) Shri Jyotindrabhai gave two sample cases to Hon'ble Commission, the details of which are as under:

- (a) Service No.3077493 was checked on 18.03.2013. The connected load was found 40.715 KW against sanctioned load of only 14.99KW.

Provisional Assessment of Rs. 1, 17,582/- was issued. Detailed calculation was not given. However detailed calculation of provisional bill is as under:

Existing tariff: NRGP (15 KW). Tariff as per connected load LTMD-2(41 KW).

Fixed Charge: Rs.100 x 41(per KW) x12.17 (Period) =Rs. 49887.00

Less: already paid (Rs.45x15KWx12.17) = Rs. 8216.00

= Rs. 41671.00

Two times: Rs.83342/-

Energy charges: Units consumed 26809 x 0.2(Unit charge difference 405 ps.- 385 ps.) = 5362 x two times = Rs. 10724/-.

Sub Total: 83342 + 10724 = Rs. 94,066/-

25% E.D. = Rs. 23,516/-

Rs. 1, 17,582/-

As per Section 7.3.2 of Supply Code, if provisional assessment is accepted, the bill amount is to be deposited within seven days of service of such provisional assessment order upon him.

However, as per Section 7.4 of Supply Code, the consumer is entitled to file objection if any before the Assessing Officer, who may after affording a reasonable opportunity of hearing, pass a final order of assessment payable by such person.

As per Section 7.5.1 of Supply Code, any person aggrieved by a final order may, within 30 days of said order, prefer an appeal as per GERC Regulation for the "procedure for filing Appeal before the Appellate authority".

The consumer produces bills for purchase of 2 No. of new Air-conditioners and other fittings having total load of 11.64 KW to be deducted from calculation.

The Provisional bill is revised considering connected loads 30.5 KW instead of 41 KW and revised assessment amount is Rs. 85644/-.

(b) Service No.22309 was checked on 27.10.2012 and connected load was found 41.078 KW as against sanctioned load of 11.69 KW.

- Provisional Assessment bill of Rs. 1, 70,063/- was issued.
- Consumer suggested to remove 30HP (22.38KW) motor used for fire safety water pump from connected load.
- Considering the same (41.078 – 22.38), 18.698 = 19KW assessment was revised to Rs. 81450 unauthorized extension + Rs. 20288 E.D.) = Rs. 1, 01,738/-, and amount is paid by the consumer on 27.11.2012.
- Also following amount recovered on 04.12.2012.

Rs. 9000/- Service connection fixed charges.

Rs. 30000/- Security Deposit.

Rs. 100/- Registration charges for extension of load.

Rs. 20/- Test Report Fee.

Rs. 39120/-

Fresh agreement charges recovered to execute it for revised Contract Demand.

7) Gujarat Electricity Regulatory Commission, in its tariff order dated 6<sup>th</sup> September, 2011, has introduced Demand Based Tariff for all customers with CONNECTED LOAD more than 15 KW. They are categorized as LTMD customers.

TPL issued public notice through Newspapers that it is observed that with passage of time, customers add appliances like AC, geysers, oven etc., but do not get their load extended. This leads to a situation where some customer's connected load crosses 15 Kw but the same is not regularized. This increases the loading on distribution infrastructure that may lead to disruption of power supply and damage to the network. It not only causes inconvenience to the customers but can also be a safety hazard.

8) TPL has submitted one draft letter dated 26<sup>th</sup> May,2012, addressed to Mr. Subhangbhai Madanmohan, Paldi, Ahmedabad for Scheme under which Licensee has decided to introduce a Scheme to provide an opportunity to declare actual connected

load within 45 days. After completion of the Scheme, if connected load is found more than declared/ sanctioned load, it shall be considered as unauthorized extension of load. This may lead to offence under Section 126 of the Electricity Act,2003, which entitles Licensee to recover differential tariff with penalty.

9) **TARIFF SCHEDULE OF TPL, AHMEDABAD.**

There are following category of consumers.

(1) RGP : Residential purpose up to and including 15KW connected load.

1.1. **Fixed Charge:**

			01.04.10	01.09.11	01.06.12	01.04.13
(a)	Single phase supply	Rupees per month per installation	Rs.5/- (LTP-I merged to RGP)	Rs.10/-	Rs.10/-	Rs.15/-
(b)	Three phase supply	Rupees per month per installation	Rs.15/-	Rs.30/-	Rs.30/-	Rs.45/-

1.2. **Energy Charges:**

First 50 units consumption per month	Paise per unit.	280	300	300	320
For next 150 units consumption per month	Paise per unit	320	340	350	375
Remaining units consumption per month.	Paise per unit	405	420	430	455

(2) Non-RGP: Premises other than Residential and Charitable purpose, Govt. Hospital etc., up to and including 15 KW.

2.1. **Fixed charge:**

For installation having connected load upto and including 5 KW	Rs. Per KW per month	CGP/IGP & LTP-II merged to Non-RGP	Rs.35/-	Rs.35/-	Rs.45/-
For installation having connected load more than 5KW	Rs per KW per month	-	Rs.45/-	Rs.45/-	Rs.60/-

upto 15 KW					
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2.2. **Energy charge:**

Paise per Unit	-	375	385	405
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(3) LTMD-1: Residential purpose installation having connected load above 15 KW.

3.1. **Fixed charge:**

			01.04.10	01.09.11	01.06.12	01.04.13
(a)	First 50KW of Billing demand	Rs. Per KW per month	70/-	100/-	100/-	100/-
(b)	Next 30KW of Billing demand.	Rs. Per KW per month	90/-	130/-	130/-	130/-
(c)	Rest of Billing demand.	Rs. Per KW per month	120/-	170/-	170/-	170/-
(d)	For Billing demand in excess of contract demand.	Rs. Per KW per month	325/-	325/-	325/-	325/-

3.2. **Energy charge:**

a.	Billing demand upto and including 50KW.	Paise per unit	360	380	390	410
b.	For Billing demand above 50KW	Paise per unit	375	395	405	425

(4) LTMD-2: Premises other than residential, charitable purpose, Govt. hospital etc.

4.1 **Fixed charge:**

a.	First 50KW of Billing	Rs. per KW per month	80/-	100/-	100/-	125/-
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	Demand.					
b.	Next 30KW of Billing demand	Rs. per KW per month	110/-	140/-	140/-	175/-
c.	Rest of Billing demand.	Rs. per KW per month	150/-	185/-	185/-	225/-
d.	Billing demand in excess of contract demand.	Rs. per KW per month	350/-	350/-	350/-	400/-

4.2. Energy charge:

a.	For billing demand upto and including 50KW	Paise per unit	375	395	405	425
b.	For Billing Demand above 50KW.	Paise per unit	395	415	425	445

**OBSERVATIONS:**

1. Only Non-RGP category consumers, whose connected load is more than sanctioned load, are booked under Section 126 of the Electricity Act,2003 and provisional assessment bills are served.
2. If consumer's meter have the facilities to measure, record and display Maximum Demand of billing period, then connected load is considered accordingly while provisional assessment.
3. Only total amount of bill and electricity duty is shown in provisional bill. Detailed calculation sheet is not given to consumer.
4. Provisional assessment are being revised as per Section 126(3) and final order of assessment is passed which is either to be accepted by consumer or consumer can prefer appeal before appropriate authority under Section 127.
5. TPL is not adopting procedure of re-classification of consumer under Section 3.5 of Supply Code.

6. Service No. 3077493, whose sanctioned load is 15 KW and final assessment bill issued for 30.5 KW, has consumed 26809 units during 12 months i.e. 2234 units per month. Means daily average consumption is 75 units. Daily consumption is equivalent to five hours out of 24 hours use of 100% sanctioned load of 15 KW OR 2.5 hours out of 24 hours use of 100% connected load of 30.5 KW.

**COMMENT:**

1. Non-RGP category consumers, whose sanctioned load is between 6 KW and 15 KW, are supplied power through three phase meters. If such NRGP suspected consumers who are consuming more than sanctioned load should be provided with meter having facility to record Maximum Demand.
2. The issue involved in the matter is not limited to excess connected load than sanctioned/contracted load. But it is also a case of change of tariff category by way of crossing 15 KW connected load limit of Non-RGP and thereby entering into tariff category LTMD-2.

TPL should have reclassified the consumers as per Section 3.5.1 of GERC Notification No. 11 of 2005. If it is found that a consumer has been classified in a particular category erroneously or the purpose of supply as mentioned in the distribution service Agreement has changed or the consumption of power has EXCEEDED the limit of that category or any order of reduction or enhancement of contract demand has been obtained, the Distribution Licensee may RECLASSIFY him under appropriate category after issuing Notice (with minimum period of 30 days ) to him to execute a fresh Agreement on the basis of altered classification or modified Contract Demand.

If the consumer does not take steps within the time indicated in the Notice to execute a fresh Agreement, the Distribution Licensee may, subject to the provisions of the Acts, Rules and Regulations for the time being in force, after issuing a clear 21 days Show Cause Notice, and after considering his explanation, if any, disconnect the supply of power.

3. Now the issue is whether the consumer connects load in excess of the sanctioned load, would the provisions of Section 126 of the Electricity Act,2003 be attracted on its true scope?
  - (a) Under the explanation for the purposes of the Section 126 of the Electricity Act,2003 “unauthorized use of electricity” means the usage of electricity:
    - (i) by any artificial means OR
    - (ii) by a means not authorized by the concerned person  
or authority or Licensee OR

- (iii) through a tampered meter OR
- (iv) for the purpose other than for which the usage of Electricity was authorized OR
- (v) for the premises or areas other than those for which the supply of electricity was authorized.

(b) In Civil Appeal No. 8859 of 2011 (Arising out of SLP(c) No.36166 of 2010) Hon'ble Supreme Court of India passed judgement on 20<sup>th</sup> October,2011.

Matter of unauthorized use of electricity was decided as under:

(58) Having dealt with and answered determinatively the questions framed in the judgement, we consider it necessary to precisely record the conclusions of our judgement which are as follows:

- (i) Wherever the consumer commits the breach of the terms of the Agreement, Regulations and the Provisions of Act by consuming electricity in excess of the sanctioned and connected load, such consumer would be in blame and under liability within the ambit and of Section 126 of the Electricity Act,2003.
- (ii) The expression “unauthorized use of Electricity” means as appearing in Section 126 of the Act is an expression of wider connotation and has to be construed purposively in contrast to contextual interpretation of the Act. The cases of excess load consumption than the connected load inter alia would fall under explanation (b)(iv) to Section 126 of Act, besides it being in violation of Regulation 82 and 106 of the Regulations and terms of the Agreement.

(c) Gujarat Urja Vikas Nigam Limited has issued Circular No. IG(s)/ Vig/Circular/98 dated 21.04.2008 for “Guidelines and procedures to be uniformly followed by all the distribution companies in respect of cases of “Unauthorized use” under Section 126 and “theft” under Section 135 of the Electricity Act,2003.

It is mentioned at Sr.No.7. Particulars: Drawal of electricity in excess of connected load but duly metered/ accounted.

Procedure to be followed:

- (a) In absence of proof of tampering of meter or use of any artificial means such cases should not be booked for unauthorized use of Electricity under Section 126.
- (b) When connected load is found in excess of the contracted load, such cases be regularized by recovering Security Deposit amount and also charges for augmentation/extension of line or T/C wherever required.
- (c) Even when aggregate load of equipments in the premises exceeds, the consumer should not be booked under Section 126 of Act. This means possession of equipment



in the premises in excess of connected load should not be taken as ground for initiating proceedings against the consumer under Section 126 for “unauthorized use of electricity”.

**CONCLUSION:**

- (1) As per Hon’ble Supreme Court judgement, the cases of excess load consumption than connected load would fall under explanation (b)(iv) to Section 126 of the Electricity Act,2003.  
“(iv) for the purpose other than for which the usage of electricity was authorized.”  
But in this particular case, there is no change in purpose of usage of electricity authorized by Licensee, but tariff category is changed from Non-RGP to LTMD-2 as connected load is more than 15 KW.
- (2) As per GUVNL Circular dated 21.04.2008, “Drawal of Electricity in excess of connected load but duly metered/accounted should not be booked for unauthorized use of electricity under Section 126 of the Electricity Act,2003.
- (3) As per GERC Electricity Supply Code and Related Matters (Fourth Amendment) Regulations,2012 (Dated 20.06.2012):  
  
(3) Amendment to Annexure “B” (Section 7.2.4 of Notification No. 11 of 2005). The paragraph at the end of “Load Factor and Diversity Factor table” shall be substituted as under:  
  
“The above mentioned ABCD Formula shall not be applicable to the cases where the number of units of electricity consumed is DULY METERED.  
  
Only in cases of usage of electricity for the purpose other than the purpose authorized by Licensee, viz. for actual commercial use against authorized domestic use and supply of electricity to another person (resale of energy) etc, the assessment shall be made on the basis of proportionate units for the load found as “unauthorized”.  
While making the assessment as above, the amount paid by consumer for the proportionate units shall be subtracted”.
- (4) Torrent Power Limited should reclassify such consumers under Section of 3.5 of the Supply Act.
- (5) Only tariff difference amount is payable by consumers whose connected load is more than sanctioned load. But penalty for two times the tariff rate should not be recovered.

**Annexure – II**  
**Agenda Item No. 8**

**SoP Report of PGVCL**

YEAR	Qrt	FH	FA	NFH	Number and % Complaints Redressed within Stipulated Time	Nature of Majority of Complaints	i) Number of faulty meters ii) Percentage of faulty meters replaced w.r.t total faulty meters during the same Quarter	Failure of DTR (%)
2011-12	Q2	40	258	52	209747 & 72%	a) Interruption in Power supply defective meters b) Billing c)Reconnection	i) 40027 ii) 35%	5.71%
	Q3	33	30	38	147540 & 99 %	a) Interruption in Power supply defective meters b) Billing c)Reconnection	i) 49600 ii) 39.77%	7.35%
	Q4	18	19	36	133777 & 99.5%	a) Interruption in Power supply defective meters b) Billing c)Reconnection	i) 78457 ii) 54.66%	2.06%
2012-13	Q2	47	136	61	90759 & 99.07%	a) Interruption in Power supply defective meters b) Billing c)Reconnection	i) 59136 ii) 32.41%	3.89%
	Q3	22	29	42	128860 & 99.83%	a) Interruption in Power supply defective meters b) Billing c)Reconnection	i) 103390 ii) 48.86%	4.16%
	Q4	18	10	23	173754 & 99.31%	a) Interruption in Power supply defective meters b) Billing c)Reconnection	i) 147032 ii) 61.48%	1.77%

**SoP Report of UGVCL**

YEAR	Qrt.	FH	FA	NFH	Number and % Complaints Redressed within Stipulated Time	Nature of Majority of Complaints	i) Number of faulty meters ii) Percentage of faulty meters replaced w.r.t. total faulty meters during the same Quarter	Failure of DTR (%)
2011-12	Q2	25	64	12	102325 & 100%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 38852 ii) 82.88%	3.34%
	Q3	9	6	8	80496 & 100%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 33372 ii) 81.76%	2.46%
	Q4	4	5	8	62088 & 100%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 22933 ii) 94.15%	1.14%
2012-13	Q2	17	45	15	99679 & 100%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 16972 ii) 91.54%	2.54%
	Q3	23	5	6	73368 & 97.36%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 17469 ii) 93.13%	1.91%
	Q4	8	6	10	63309 & 98.22%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 16474 ii) 94.37%	1.27%

SoP Report of MGCVCL								
YEAR	Qrt.	FH	FA	NFH	Number and % Complaints Redressed within Stipulated Time	Nature of Majority of Complaints	i) Number of faulty meters ii) Percentage of faulty meters replaced w.r.t . total faulty meters during the same Quarter	Failure of DTR (%)
2011-12	Q2	32	60	40	109773 & 99.97%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 23539 ii) 21.31%	1.78%
	Q3	11	1	10	67672 & 99.99%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 14533 ii) 14.05%	1.57%
	Q4	14	15	19	67679 & 100%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 32227 ii) 24.9%	0.64%
2012-13	Q2	10	47	21	115586 & 100%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 28068 ii) 24.55%	1.8%
	Q3	6	5	10	83101 & 99.47%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 45046 ii) 35.83%	1.23%
	Q4	3	3	4	74410 & 99.71%	a) Interruption in Power supply b) defective meters c) Billing d) Reconnection	i) 47191 ii) 47.91%	0.75%

SoP Report of DGVCL								
YEAR	Qrt.	FH	FA	NFH	Number and % Complaints Redressed within Stipulated Time	Nature of Majority of Complaints	i) Number of faulty meters ii) Percentage of faulty meters replaced w.r.t. total faulty meters during the same Quarter	Failure of DTR (%)
2011-12	Q2	25	54	32	119265 & 100%	a) Interruption in Power supply defective meters b) Billing c) Reconnection	i) 11176 ii) 19.17%	4.90%
	Q3	7	11	21	101032 & 100%	a) Interruption in Power supply defective meters b) Billing c) Reconnection	i) 11400 ii) 19.65%	4.84%
	Q4	11	2	27	102400 & 100%	a) Interruption in Power supply defective meters b) Billing c) Reconnection	i) 15743 ii) 25%	1.68%
2012-13	Q2	26	49	21	150987 & 100%	a) Interruption in Power supply defective meters b) Billing c) Reconnection	i) 20097 ii) 25.89%	3.34%
	Q3	8	17	24	101155 & 100%	a) Interruption in Power supply defective meters b) Billing c) Reconnection	i) 26831 ii) 30.97%	3.01%
	Q4	11	3	21	91161 & 100%	a) Interruption in Power supply defective meters b) Billing c) Reconnection	i) 24118 ii) 30.34%	1.404%

SoP Report of TPL-Ahmedabad								
YEAR	Qrt.	FH	FA	NFH	Number and % Complaints Redressed within Stipulated Time	Nature of Majority of Complaints	i) Number of faulty meters ii) Percentage of faulty meters replaced w.r.t. total faulty meters during the same Quarter	Failure of DTR (%)
2011-12	Q2	19	4	3	119342 & 99.7%	a) Interruption in Power supply b) defective meters c) Billing d)Reconnection	i) 7588 ii) 100%	0.50%
	Q3	7	0	1	69080 & 99.68%	a) Interruption in Power supply b) defective meters c) Billing d)Reconnection	i) 8329 ii) 100%	0.16%
	Q4	4	0	0	56247 & 99.27%	a) Interruption in Power supply b) defective meters c) Billing d)Reconnection	i) 6448 ii) 100%	0.32%
2012-13	Q2	19	0	10	99460 & 99.96%	a) Interruption in Power supply b) defective meters c)Billing d)Reconnection	i) 5716 ii) 100%	0.32%
	Q3	8	0	4	66647 & 99.88%	a) Interruption in Power supply b) defective meters c)Billing d)Reconnection	i) 6967 ii)100%	0.06%
	Q4	6	0	2	52963 & 99.93%	a) Interruption in Power supply b) defective meters c)Billing d)Reconnection	i) 2481 ii) 100%	0.08%

SoP Report of TPL-Surat								
YEAR	Qrt.	FH	FA	NFH	Number and % Complaints Redressed within Stipulated Time	Nature of Majority of Complaints	i) Number of faulty meters ii) Percentage of faulty meters replaced w.r.t. total faulty meters during the same Quarter	Failure of DTR (%)
2011-12	Q2	3	0	5	5909 & 99.8%	a) Interruption in Power supply b) defective meters c) Billing d)Reconnection	i) 6333 ii) 99.8%	0.09%
	Q3	1	0	1	4607 & 99.99%	a) Interruption in Power supply b) defective meters c) Billing d)Reconnection	i) 5507 ii) 99.51%	0.09%
	Q4	1	0	0	4247 & 99.9%	a) Interruption in Power supply b) defective meters c) Billing d)Reconnection	i) 5043 ii) 99.42%	0.09%
2012-13	Q2	4	0	3	5406 & 100%	a) Interruption in Power supply b) defective meters c)Billing d)Reconnection	i) 5386 ii) 98.77%	0.09%
	Q3	3	0	0	3685 & 99.59%	a) Interruption in Power supply b) defective meters c)Billing d)Reconnection	i) 4940 ii) 99.9%	0.04%
	Q4	2	0	1	3432 & 99.82%	a) Interruption in Power supply b) defective meters c)Billing d)Reconnection	i) 3921 ii)99.32%	0.04%



Reliability Indices:

<b>SoP Report of PGVCL</b>						
Year	Qtr	Month	SAIFI	SAIDI	MAIFI	Remarks
2011-12	Q2	July	4.9	7.9	20.48	Showing some improvement in the reliability indices w.r.t Q4 11-12
		Aug.	3.41	5.11	24.68	
		Sept.	3.04	4.98	14.32	
	Q3	Oct.	3.029	3.6	15.98	
		Nov.	2.47	2.94	16.06	
		Dec.	2.335	2.29	12.4	
	Q4	Jan.	2.3	1.98	13.89	
		Feb.	1.76	1.74	11.24	
		Mar.	2.14	1.99	11.47	
2012-13	Q2	July	3.88	4.04	3.76	
		Aug.	4.12	4.69	4.18	
		Sept.	3.76	4.18	15	
	Q3	Oct.	2.18	2.07	12.39	
		Nov.	1.54	1.32	9.66	
		Dec.	1.39	1.19	8.5	
	Q4	Jan.	1.67	1.41	9.53	
		Feb.	1.51	1.29	8.97	
		Mar.	1.46	1.14	9.85	

<b>SoP Report of UGVCL</b>						
Year	Qtr	Month	SAIFI	SAIDI	MAIFI	Remarks
2011-12	Q2	July	2.21	3.05	10.07	Showing some improvement except SAIFI in the reliability indices w.r.t Q4 11-12
		Aug.	1.79	2.25	9.78	
		Sept.	1.36	1.75	8.97	
	Q3	Oct.	1.01	1.10	9.63	
		Nov.	0.41	0.02	6.92	
		Dec.	0.34	0.02	6.26	
	Q4	Jan.	0.41	0.50	6.21	
		Feb.	0.26	0.26	4.85	
		Mar.	0.29	0.32	5.34	
2012-13	Q2	July	1.72	5.1	7.18	
		Aug.	1.24	1.33	7.35	
		Sept.	1.21	1.42	7.58	
	Q3	Oct.	0.44	0.57	6.34	
		Nov.	0.5	0.55	5.9	
		Dec.	0.34	0.33	5.36	
	Q4	Jan.	0.48	0:29:07	6.82	
		Feb.	0.56	0:42:36	5.19	
		Mar.	0.36	0:24:01	4.86	

SoP Report of MGVCCL						
Year	Qtr	Month	SAIFI	SAIDI	MAIFI	Remarks
2011-12	Q2	July	5.61	48.67	25.98	Showing some improvement of SAIDI in the reliability indices w.r.t Q4 11-12
		Aug.	6.1	14.67	28.37	
		Sept.	4.54	22.5	18.91	
	Q3	Oct.	3.25	18.33	12.34	
		Nov.	2.65	14.23	10.64	
		Dec.	2.92	17.5	10.67	
	Q4	Jan.	4.92	23.68	25.84	
		Feb.	4.18	21.26	24.58	
		Mar.	3.89	14.68	18.33	
2012-13	Q2	July	7.67	7.03	28.63	
		Aug.	6.75	5.5	28.02	
		Sept.	5.94	5.15	26.76	
	Q3	Oct.	3.25	2.67	22.44	
		Nov.	2.22	1.83	18.56	
		Dec.	1.98	1.8	17.78	
	Q4	Jan.	2.38	2:00	19.66	
		Feb.	2.09	1:56	15.25	
		Mar.	2.03	1:34	18.90	

SoP Report of DGVCL						
Year	Qtr	Month	SAIFI	SAIDI	MAIFI	Remarks
2011-12	Q2	July	11.84	13.50	21.62	Showing some improvement except MAIFI in the reliability indices w.r.t Q4 11-12
		Aug.	11.21	12.85	22.09	
		Sept.	9.49	11.00	19.27	
	Q3	Oct.	6.94	6.60	18.12	
		Nov.	7.87	5.17	13.96	
		Dec.	7.76	4.33	11.13	
	Q4	Jan.	10.49	7.33	14.09	
		Feb.	7.2	5.50	10.11	
		Mar.	7.58	4.90	11.26	
2012-13	Q2	July	11.75	11.01	18.25	
		Aug.	10.29	10.15	17.03	
		Sept.	10.09	8.33	16.2	
	Q3	Oct.	8.72	7.75	19.15	
		Nov.	5.59	4.67	12.52	
		Dec.	4.96	4.68	12.1	
	Q4	Jan.	7.61	7:13	18.51	
		Feb.	4.79	4:55	12.08	
		Mar.	5.16	4:39	15.00	

SoP Report of TPL-Ahd.							
Year	Qtr	Month	SAIFI	SAIDI	MAIFI	Remarks	
	Q2	July	0.75	0.98	0.09	Showing some improvement in the reliability indices w.r.t Q4 11-12	
		Aug.	0.58	0.81	0.04		
		Sept.	0.52	0.74	0.3		
	Q3	Oct.	0.53	0.62	0.02		
		Nov.	0.53	0.73	0.03		
		Dec.	0.53	0.68	0.14		
	Q4	Jan.	0.71	0.91	0.35		
		Feb.	0.42	0.71	0.14		
		Mar.	0.8	0.80	0.03		
	2012-13	Q2	July	0.67	0.88		0.08
			Aug.	0.65	0.75		0.19
			Sept.	0.67	0.8		0.24
Q3		Oct.	0.55	0.79	0.03		
		Nov.	0.47	0.56	0.2		
		Dec.	0.48	0.63	0.08		
	Q4	Jan.	0.75	0.77	0.20		
		Feb.	0.52	0.80	0.25		
		Mar.	0.46	0.44	0.03		

SoP Report of TPL-Surat							
Year	Qtr	Month	SAIFI	SAIDI	MAIFI	Remarks	
	Q2	July	1.4	2.47	0.00	Showing some improvement in the reliability indices w.r.t Q4 11-12	
		Aug.	0.15	0.12	0.00		
		Sept.	0.06	0.08	0.00		
	Q3	Oct.	0.16	0.08	0.00		
		Nov.	0.09	0.09	0.00		
		Dec.	0.1	0.10	0.00		
	Q4	Jan.	0.08	0.11	0.00		
		Feb.	0.57	0.23	0.00		
		Mar.	0.16	0.07	0.00		
	2012-13	Q2	July	0.09	0.08		-
			Aug.	0.07	0.08		-
			Sept.	0.11	0.08		-
Q3		Oct.	0.08	0.08	-		
		Nov.	0.07	0.08	-		
		Dec.	0.12	0.11	-		
Q4		Jan.	0.13	0.16	-		
		Feb.	0.11	0.12	-		
		Mar.	0.10	0.07	-		

**Annexure – III**  
**Agenda Item No. 8**

**Performance Reports Received from CGRFs for the Quarter II of FY 2012-13**

**Q2 (July to Sept. 2012)**

Forum Name	Grievance Pending at the end of previous Qtr. (A)	Grievance received during this Qtr. (B)	Total Grievances (C) = (A)+(B)	Grievances attended during this Qtr. (D)	Balance Grievances to be attended (E)= (C)-(D)	Grievances successfully redressed during this Quarter		Grievances in the process of Redressal
						Within 45 days	After 45 days	
UGVCL	09	61	70	66	04	57	09	-
MGVCL*	07	31	38	34	04	24	00	09
DGVCL*	05	42	47	32	16	28	04	15
PGVCL (Bhuj)	09	11	20	15	05	06	09	05
PGVCL (Bhavnagar)	24	50	74	56	18	35	17	4
PGVCL (Rajkot)	04	121	125	80	45	65	15	45
TPL (Ahmedabad )	12	82	94	77	17	63	14	17
TPL (Surat)	03	46	49	45	04	44	01	04

**Details of Cases before Ombudsman for Quarter II of 2012-13**

**Q2 (July to Sept. 2012)**

<b>Quarter</b>	<b>No. of Appeals Pending at the Beginning of the Quarter</b>	<b>No. of Appeals Received During this Quarter</b>	<b>Total No. of Appeals</b>	<b>No. of Appeals Disposed Off During this Quarter</b>	<b>No. of Appeals Pending at the End of the Quarter</b>	<b>No. Of Seating for hearing proceedings</b>
I	14	42	56	42	14	66

**Performance Reports Received from CGRFs for the Quarter III of FY 2012-13**

**Q3 (Oct. to Dec. 2012)**

Forum Name	Grievance Pending at the end of previous Qtr. (A)	Grievance received during this Qtr. (B)	Total Grievances (C) = (A)+(B)	Grievances attended during this Qtr. (D)	Balance Grievances to be attended (E)= (C)-(D)	Grievances successfully redressed during this Quarter		Grievances in the process of Redressal
						Within 45 days	After 45 days	
UGVCL	04	29	33	29	04	27	02	0
MGVCL	14	30	44	42	02	14	11	15
DGVCL	14	61	75	64	11	30	34	05
PGVCL (Bhuj)	05	13	18	15	03	10	03	03
PGVCL (Bhavnagar)	22	52	74	57	17	35	22	0
PGVCL (Rajkot)	45	87	132	96	36	88	08	36
TPL (Ahmedabad)	17	43	60	45	15	34	11	15
TPL (Surat)	03	04	07	06	01	06		01

**Details of Cases before Ombudsman for Quarter III of 2012-13**

**Q3 (Oct. to Dec. 2012)**

<b>Quarter</b>	<b>No. of Appeals Pending at the Beginning of the Quarter</b>	<b>No. of Appeals Received During this Quarter</b>	<b>Total No. of Appeals</b>	<b>No. of Appeals Disposed Off During this Quarter</b>	<b>No. of Appeals Pending at the End of the Quarter</b>	<b>No. Of Seating for hearing proceedings</b>
I	14	33	47	37	10	46



## Review of Performance

### Performance Reports Received from CGRFs for the Quarter IV of FY 2012-13(Jan.13 –Mar.13)

No. of Grievances Outstanding at the Close of Previous Quarter	No. of Grievances Received during the Quarter	Total Grievances	No. of Grievances attended during this Quarter	Balance Grievances to be attended	Grievances Successfully Redressed during the quarter			No. of Grievances Pending for more than 45 days
					Within 45 days	After 45 Days	Total	
04	46	50	35	15	33	02	35	0
19	54	73	61	12	41	20	61	02
11	44	55	42	13	29	13	42	01
03	14	17	11	06	07	04	11	0
17	75	92	57	35	21	30	51	05
36	135	171	128	43	111	17	128	02
15	65	80	73	07	68	05	73	0
01	05	06	05	01	05	00	05	00

## Review of performance

### Details of Cases before Ombudsman for Quarter IV of 2012-13

(Jan. to Mar. 2013)

Quarter	No. of Appeals Pending at the Beginning of the Quarter	No. of Appeals Received During this Quarter	Total No. of Appeals	No. of Appeals Disposed Off During this Quarter				No. of Appeals Pending at the End of the Quarter	No. of Sittings in the Quarter
				No. of Appeals Disposed Off During this Quarter					
				In favour of Appellant	In favour of Licensee	Others	Total		
IV	10	36	46	07	23	04	34	12	48