

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

**CASE NO.30/2019**

**Appellant:** M/s. Everest Starch (India) Pvt. Ltd.,  
Samrat Industrial Area Road No.29  
Plot No.23, Nr. S.T.Workshop, Gondal Road  
RAJKOT-360004.

**Represented by:** Shri Bhagvatsinh Parmar, Authorized representative

**V/s.**

**Respondent:** Executive Engineer,  
Paschim Gujarat Vij Company Ltd.,  
Division Office, Surendranagar-363001

**Represented by:** Shri A.H.Talsaniya, EE, PGVCL, Surendranagar Dn.Office

**:::PROCEEDINGS:::**

- 1.0. The Appellant had submitted representation aggrieving with the order No.1065 dated 16.03.2019 passed by the Consumer Grievances Redressal Forum, PGVCL, Bhavnagar, in case No.137/2018-19. The representation was registered at this office as Case No.30/2019. The hearing of this case was kept on 02.05.2019 and 28.05.2019.
- 2.0. Appellant has represented the case as under.
  - 2.1. Appellant has submitted its representation for non-granting of Night hours rebate to its HT connection No.18629.
  - 2.2. It is stated that after receiving notification by GERC vide letter No.3450 dated 25.04.2016, Appellant observed some ambiguities and differences in his monthly bill. So Appellant had raised grievance to Division Office, PGVCL, vide letter dated 23.03.2018, and it was specified that the energy consumed during night hours of 10.00 PM to 06.00 AM next morning shall be eligible for concession at the rate of 40 paisa per unit and prior to this notification i.e. before 01.04.2016 this concession was granted on the

- excess consumption of 1/3 portion of total consumption and that at the rate of 85/75 paisa per unit.
- 2.3. It is submitted that monthly bills issued since date of release i.e. 02.05.2014 the said concession i.e. Night hours rebate has been ignored or not granted by Respondent Division Office.
- 2.4. It is submitted that Night hours rebate has been granted to M/s. Sadbhav Ceramic of Morbi vide Ombudsman Case No.128/2017 – since date of release of HT connection.
- 2.5. It is submitted that Appellant is a consumer since April,2014 and his bill has to be made as per GERC tariff order Part-2. વર્ષ ૨૦૧૪ થી ૨૦૧૫ સુધીના ટેરીફ ઓર્ડરના Para No.13 HTP-1 માં Para No.13.1 to 13.11 અને વર્ષ ૨૦૧૮ ના ટેરીફ ઓર્ડરના Para No.14, HTP-1 માં No.14.1 Demand charges, 14.2 Energy charges, 14.3 Time of use charges, 14.4 Billing demand, 14.5 Minimum bills, 14.6 Power Factor adjustment charges, 14.7 Maximum demand and its measurement, 14.8 Contract demand, 14.9 Rebate for supply at EHV, 14.10 Concession for use of electricity during night hours ગ્રાહક માટેના છે. સામાવાળાએ પેરા નં. ૧૪.૧ થી ૧૪.૧૦ (૧૩.૧ થી ૧૩.૧૦) મુજબ જે તે ગ્રાહકોનાં બિલ બનાવવાનું હોય છે. અરજદારને પ્રથમથી જ વીજબિલમાં પેરા નં.૧૪.૩ (૧૩.૩) Time of use charge લગાવવામાં આવે છે, પરંતુ પેરા નં.૧૪.૧૦(૧૩.૧૦) મુજબ concession for use of electricity during night hours આપવામાં આવતું નથી, જે અંગે અરજદારે સામાવાળાની વિભાગીય કચેરી, સુરેન્દ્રનગર ખાતે રજૂઆત કરેલ. Approved tariff schedule of GERC મુજબ રાત્રી વપરાશ પર night hours rebate આપવું. Night hours rebate અરજદારને શરૂઆતથી જ મળવાપાત્ર છે, આથી Night hours rebate પ્રવર્તમાન હયાત નિયમ મુજબ વીજ જોડાણ ચાલુ થયા તારીખથી આપવા અરજદારે વિનંતી કરી.
- 2.6. Appellant should be billed as per tariff provision of HTP-1 and accordingly he should get rebate on night consumption from May,2014 to March,2015. Connection of Appellant was released in May,2014. Respondent has also confirmed that rebate has not been given to Appellant as per tariff provision. During hearing Respondent has stated that either through system or human mistake rebate on night consumption was not being given from May,2014 to March,2015. Therefore, Appellant is entitled to get Night hours rebate for the above period.

- 3.0. સુનવણી દરમ્યાન સામાવાળાએ નીચે મુજબ રજૂઆત કરી.
- 3.1. અરજદાર ગ્રાહક નં.૧૮૬૨૯ થી એચ.ટી. પ્રકારનું વીજ જોડાણ તા.૦૨.૦૫.૨૦૧૪ થી ધરાવે છે. અરજદારની રજૂઆત મુજબ શરૂઆતના પીરીયડમાં, એટલે કે મે, ૨૦૧૪ થી જુન, ૨૦૧૫ દરમ્યાન, જે તે વખતના પ્રવર્તમાન ટેરીફ ઓર્ડરના પેરા નં.૧૩.૧૦ મુજબ Concession for use of Electricity during Night Hours અરજદારને આપવામાં આવેલ ન હતું, જેથી અરજદારની રજૂઆત મુજબ જી.ઈ.આર.સી.ની approved tariff schedule મુજબ રાત્રી વપરાશ પર night rebate આપવું, Night hours rebate અરજદારને શરૂઆતથી જ મળવાપાત્ર છે તેવી રજૂઆત CGRF સમક્ષ કેસ નં.૧૩૭/૧૮-૧૯ દ્વારા મૂકવામાં આવેલ.
- 3.2. CGRF ના ચુકાદાના પેરા નં.૩.૫ માં દર્શાવ્યા મુજબ અરજદાર દ્વારા ત્રણ વર્ષ પહેલાંના સમયગાળા માટે “Night hours rebate” ની માંગણી કરવામાં આવેલ છે, જેથી જી.ઈ.આર.સી. નોટિફિકેશન નં.૨/૨૦૧૧ ના પેરા નં.૨.૩૦(iii) મુજબ (in case where the complaint/grievance has been registered two years after the date on which the cause of action has arisen) તથા સદર હુકમના પેરા નં.૩.૬ મુજબ night consumption ના મે, ૨૦૧૪ થી અપ્રિલ, ૨૦૧૫ ના સમયગાળાના રીબેટ માટે અરજદાર દ્વારા તા.૦૩.૧૧.૨૦૧૮ ના રોજ માંગણી કરવામાં આવેલ છે. ત્રણ વર્ષનો સમય વીતેલ હોવાથી અરજદારની રજૂઆત ફોરમ દ્વારા માન્ય રાખવામાં આવેલ નથી. જેથી અરજદારને સદર સમયગાળાનો night rebate નો લાભ આપવામાં આવેલ નથી.
- 3.3. Respondent has submitted statement for night refund as night unit was not considered in the billing system in case of Appellant from May, 2014 to June, 2015.

| STATEMENT FOR NIGHT UNITS REFUND AS NIGHT UNIT WAS NOT CONSIDERED IN HT BILLING SYSTEM FROM MAY, 2014 TO JUNE, 2015. |         |                  |            |         |       |                    |                           |                              |                |
|--|---------|------------------|------------|---------|-------|--------------------|---------------------------|------------------------------|----------------|
| Sr. No.  | Month   | Main consumption | Night unit |         |       | Night Unit with MF | 1/3 of energy consumption | Unit for night tariff refund | Amt. of refund |
|  |         |                  | Past       | Present | Diff. |                    |                           |                              |                |
| A  | B       | C                | D          | E       | F     | G                  | H=(1/3)*C                 | I IF G>H                     |                |
| 1  | May-14  | 7860             | 0          | 96      | 96    | 1920               | 2620                      | 0                            | 0.00           |
| 2  | June-14 | 163220           | 96         | 2487    | 2391  | 47820              | 54407                     | 0                            | 0.00           |
| 3  | July-14 | 386040           | 2487       | 9407    | 6920  | 138400             | 128680                    | 9720                         | 7290.00        |
| 4  | Aug.14  | 410440           | 9407       | 16727   | 7320  | 146400             | 136813                    | 9587                         | 7190.00        |
| 5  | Sept.14 | 511200           | 16727      | 26215   | 9488  | 189760             | 170400                    | 19360                        | 14520.00       |
| 6  | Oct.14  | 725940           | 26215      | 38617   | 12402 | 248040             | 241980                    | 6060                         | 4545.00        |
| 7  | Nov.14  | 491660           | 38617      | 46909   | 8292  | 165840             | 163887                    | 1953                         | 1464.75        |
| 8  | Dec.14  | 851180           | 46909      | 62178   | 15269 | 305380             | 283727                    | 21653                        | 16239.75       |
| 9  | Jan.15  | 759640           | 62178      | 74739   | 12561 | 251220             | 253213                    | 0                            | 0.00           |
| 10   | Feb.15  | 803940           | 74739      | 87967   | 13228 | 264560             | 267980                    | 0                            | 0.00           |
| 11   | Mar.15  | 751980           | 87967      | 101848  | 13881 | 277620             | 250660                    | 26960                        | 20220.00       |
| 12   | Apr.15  | 660800           | 101848     | 112931  | 11083 | 221660             | 220267                    | 1393                         | 1184.05        |
| 13   | May,15  | 871300           | 112931     | 127142  | 14211 | 284220             | 290433                    | 0                            | 0.00           |
| 14   | June,15 | 956660           | 127142     | 144172  | 17030 | 340600             | 318887                    | 21713                        | 18456.05       |
|  |         |                  |            |         |       |                    | Total                     | 118399                       | 91109.85       |

3.4. It is stated that energy bills calculation is made under computerized billing system and due to some error, Night hours energy consumption rebate was not given in energy bills for the period from May,2014 to June,2015. Respondent has produced eligible Night hours concession units for rebate purpose as per above table as per provision of tariff.

3.5. Respondent has also submitted month-wise reading of various parameters of meter from May,2014 to April,2019 for HT connection No.18629 of Appellant.

From the above, it is submitted meter No.PGHTSA-3042 was installed for the period May,2014 to June,2015 and thereafter meter No.GJ3077B was installed up to December,2018. At present meter No.PG5A6900 is placed at the location of Appellant.

3.6. It is submitted that Appellant had made complaint for Night consumption rebate for the period May,2014 to June,2015 first time on 23.03.2018, i.e. two years after June,2015. Thereafter, Appellant had made grievance before CGRF for the same issue on 03.11.2018. While dealing with subject matter of grievance, CGRF had rejected the plea of Appellant on the ground of Clause 2.30(iii) of Notification No.2 of 2011, i.e. limitation ground. Order passed by CGRF is in line with Regulation.

Respondent has stated that action taken is as per CGRF order and as per norms.

**::: 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, bearing consumer No. HT-18629. The connection of Appellant was released on 02.05.2014 under HTP-I tariff. As per contentions raised by Appellant, Respondent had not made billing as per tariff schedule Para 13.10 – concession for use for electricity during Night hours for the period May,2014 to June,2015 and requested to grant Night hours rebate as per revision of billing as per appropriate proviso of relevant tariff schedule approved by GERC.

- 4.2. While dealing with above subject matter, CGRF had pointed out Clause No. 2.30(iii) of Notification No.2 of 2011 and rejected the grievance of Appellant on time barred ground.
- 4.3. Appellant is claiming refund of Night hours consumption recovered by Respondent for the period May,2014 to June,2015. Appellant had filed application before Respondent first time on 23.03.2018. Thereafter filed grievance before CGRF on 03.11.2018.
- 4.4. Appellant has referred the judgement of Ombudsman in case No.128/2017 in respect of M/s. Sadbhav Ceramic,Morbi and argued that similar ratio is applicable in case of Appellant for granting Night hours rebate for the period May,2014 to June,2015.

In view of above, it is noted that in the said case M/s. Sadbhav Ceramic had applied for Night hours rebate before Respondent on 05.11.2016 first time. In the said order it was observed in Para No.4.8 as under:

*“4.8. Vide order dated 27.06.2017 CGRF has observed and noted that revised billing should be calculated for all billing cycles after installation of poly-phase meter or time switch by Appellant for night hours rebate. In the review order dated 02.11.2017 CGRF has directed to revise the billing for all billing cycles after installation of poly-phase meter or time switch by Appellant. So it can be seen that the present grievance is a part of implementation of CGRF order.”*

While in present subject matter, having similar ratio in regard with Ombudsman case No.128/2017, asking Night hours rebate after knowledge of, present Appellant, although CGRF had taken stand of time barred grievance filed in accordance with Clause 2.30(iii) of Notification No.2 of 2011, which is contrary to its previous judgement rendered by CGRF in case of M/s. Sadbhav Ceramic.

- 4.5. In this case, the period of billing May,2014 to June,2015 under HTP-I tariff, it is required to refer approved tariff schedule of GERC for the relevant financial year, i.e. 2014-15 and 2015-16.

13.0. HTP-I (For tariff schedule 2014-15)

This tariff will be applicable for supply of electricity to HT consumers contracted for 100KVA and above for regular power supply and requiring the power supply for the purpose not specified in any other HT categories.

13.10:Concession for use of electricity during Night hours:

For the consumer eligible for using supply at any time during 24 hours, entire consumption shall be billed at the energy charges specified above. However, the energy consumed during night hours of 10.00 p.m. to 06.00 a.m. next morning as is in excess of one third of the total energy consumed during the month, shall be eligible for concession at the rate of 75 paise per unit.

Similarly for tariff schedule 2015-16:

13.10:Concession for use of electricity during Night hours:

For the consumer eligible for using supply at any time during 24 hours, entire consumption shall be billed at the energy charges specified above. However, the energy consumed during night hours of 10.00 p.m. to 06.00 a.m. next morning as is in excess of one third of the total energy consumed during the month, shall be eligible for concession at the rate of 85 paise per unit.

From the above, it is a duty of Respondent to calculate energy bills taking reading of all parameters of meter and as per provisions of tariff schedule approved by GERC. It is also a mandatory provision to apply while issuing the energy bills to Appellant.

In this case, initially Respondent had not calculated Night hours concession as per Para 13.10 of tariff schedule for the period May,2014 to June,2015 and accepted that due to some error that part of component of billing was not taken in to account while preparing and issuing bills to Appellant and for that computerised error occurred shown. Respondent had also submitted statement of eligible Night hours concession as per various parameters of meter for the said period i.e. May,2014 to June,2015.

4.6. From the above observations, as CGRF has decided the similar subject issue in previous case of M/s. Sadbhav Ceramic and granted concession of Night hours from the date of release of connection. In the said case, Ombudsman had heard the parties for part of implementation of CGRF order and further directed to grant Night hours rebate from the date of release of connection on the basis of available consumption data and implement the CGRF order in right spirit. The said ratio is laid hereunder in case of present Appellant. In fact, Respondent had produced relevant parameters of billing during the period May,2014 to June,2015 as per Para No.3.3.

In view of above circumstances, plea of Appellant for demanding Night hours rebate is accepted. Respondent is directed to grant Night hours rebate for the said period i.e. May,2014 to June,2015, as per relevant provisions of tariff schedule approved by GERC.

Compliance may be reported to this office within 30 days.

- 4.7. I order accordingly.
- 4.8. No order as to costs.
- 4.9. With this order, representation/Application stands disposed of.

(Dilip Raval)  
Electricity Ombudsman  
Gujarat State

Ahmedabad.  
Date:30.05.2019