

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 2ND FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No.MG-III-58-2010.11
Complainant	Jubilant Life Science Limited at Block No.133, Vill: Samlaya, Tal: Savli, Dist: Vadodara
Respondent	Shri R G Shah, DE Vadodara division office, MGVCL.
Date of hearing	07.01.2011

QUORUM	NAME
Member	Shri K R Shah, MGVCL
Independent Member	Shri M J Vaidya, Vadodara

The complaint dated 21.12.2010 is for use of existing power connection for two identities following the court order.

Today on 07.01.2011, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri C B Bhardwaj VP, appeared on behalf of M/s. Jubilant Life Science Limited, whereas Shri RG Shah, DE Vadodara appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. Originally Jubilant Organosys Limited (now Jubilant Life Science Limited [JLSL]) has an agreement for supply of power at 11 KV / 1000 KVA Contract Demand with Madhya Gujarat Vij Company Limited (MGVCL) at Block No.133, village Samlaya Tal: Savli, Dist: Vadodara
2. The tariff schedule is HTP-I notified by GERC.
3. The supply is made via 2 pole structure with CTPT and HT metering.
4. CTPT belongs to JLSL along with two pole structure and service line upto 6 Km while the HT meter with 0.1% accuracy belongs to MGVCL
5. JLSL has HT breaker for 11 KV input and 630 Amp current capacity with 350 KVA fault rating.
6. The transformer rating is 11 KV to 433V, 2000 KVA.
7. JLSL has power control station with 7 MCC.

Now, JLSL has decided to demerge the business into separate entities namely Jubilant Life Sciences Limited (JLSL) & Jubilant Industries Limited (JIL) which was approved vide Allahabad High court, order dated 28.10.2010. As per demerger scheme MCC-7 will be in JIL and remaining all MCCs, PCC, transformer, HT breaker, two pole structure, metering unit shall be in JLSL.

MCC-2 is for utility supply to both JLSL and JIL.

Estimated power requirement for JLSL 450 KVA
Estimated power requirement for JIL 550 KVA

JLSL has approached MGVCL with a request that power may be drawn for both these entities through the single line as existing today. This would involve common infrastructural facilities and metering, however, they would continue to keep records of energy consumption of both units separately.

MGVCL regretted to split one 1000 KVA connection into two connections in the same premises.

The complainant Shri C B Bhardwaj VP, contended that they have demerged JLSL into two separate entities JLSL and JIL and work in the same premises at Block No.133 at Samlaya, in addition to the details given in their request letter along with copy of Allahabad court order. The turnover of Samlaya unit is roughly is Rs.120 crores. At this stage of demerging, investment of Rs.50 lacs for separate infrastructure for power supply to JIL would threaten for its survival and objective of demerging shall be defeated. He further added that (1) perhaps the purpose of demergers, acquisitions, amalgamation etc was not visualized when The Electricity Act was passed (2) They understand that as per the current guidelines of GERC, a common power supply to the two entities may not be allowed, however, to meet certain administrative requirements set up by GERC, they should not suffer and should not be asked to bear additional expenses on separate connection for JIL.

The Respondent Shri R G Shah DE contended that as per clause No.4.1.17 of Notification No.11 of 2005 of GERC **"The Distribution Licensee will not provide more than one connection/ meter for one premises. The consumers opting for second meter will have to produce separate legal entity such as documents of separate Income Tax No/ Sales Tax No. ration card and rent or lease agreement"**, MGVCL cannot give two connections in one premises.

The Forum Members present at the hearing considered contention of both the parties and perused the records.

1. It seems that the complainant has not envisaged the requirements of MGVCL while doing demerging and hence the estimate for new connection might not have been taken into account.
2. The Electricity Supply Code of GERC has been derived after a considerable engineering practice followed at site and there are techno-economic reasons behind it. Apart from administrative reasons there are legal matters involved. That is why such condition like "one meter / connection in one premises is stipulated by GERC. However, looking to the changed circumstances GERC has made provision for more than one entity existing in one premises due to any reasons, to get separate connection / meter by way of submitting documents related to separate entity.
3. The request put up by JLSL to MGVCL is to supply electricity on single line to two separate entities and to avoid separate connection to second entity which is in their interest but as a matter of fact, it means

drawing electricity by JLSL and supplying to JIL. This can be construed as a sale of electricity from JLSL to JIL which is not in the interest of the distribution licensee i.e. MGVL as it appears from the written policy and directives given by the authority, vide CC No.648 dated 21.04.1993 and clause No.4.1.16 of Electricity Supply Code notified by GERC. This is further repeated in Electricity Supply Code of GERC Notification No.11 of 2005 vide clause No.4.1.17.

4. It also becomes the violations of Electricity (Amendment) Act 2007 Section 135 para 13 (e) "uses electricity for the purpose other than for which the usage of electricity was authorized".
5. The distribution licensee i.e. MGVL cannot and shall not agree with the request made by the complainant which is against MGVL's techno-economic interest.

In view of the above discussion, the Forum is of the opinion that the complainant JLSL while asking for electricity supply to JIL in the same premises at Block No.133 at village Samlaya has to strictly follow the guidelines mentioned in clause No.4.1.17 of Electricity Supply Code of GERC notification No.11 of 2005 which is clearly mentioned in MGVL's letter No.MGVL:HT Jubilant:1596 dated 20.11.10.

ORDER

The Forum directs the complainant M/s. Jubilant Life Science Limited to follow the guidelines mentioned in clause No.4.1.17 of GERC Notification No.11 of 2005 and to contact MGVL's office to get detailed information for compliance of the same.

(K R Shah)
Member

(M J Vaidya)
Independent Member

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach the Ombudsman, Gujarat Electricity Regulatory Commission, 1st floor, Neptune Tower, OPP: Nehru Bridge, Ashram Road, Ahmedabad 380 009 in accordance with Chapter-5, Clause No.13 of GERC Notification No.4 of 2005.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.

6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>