

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No.1858/2020 alongwith allied IA.

In the Matter of:

Petition under Sections 42, 43, 50, 86 & Other applicable provisions of the Electricity Act, 2003 read with the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, GERC (Standard of Performance of Distribution Licensee) Regulations 2005 and other applicable Regulations of the Commission seeking grant of additional time for completion of 66 kV transmission line for 5000 kVA Contract Demand and consequently directing MGVCL to restrain from issuance of Two Months' Notice (TMN) to the Petitioner for levying demand charges on contract demand of 5000 kVA on deemed release basis.

Petitioner : Concord Biotech Limited

Represented By : Mr. D.S. Doshi

V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited

Represented By : Mr. Utkarsh Singh with Mr. Alpesh Patel

Respondent No. 2 : Gujarat Energy Transmission Corp. Limited

Represented By : Mr. Utkarsh Singh with Mr. Shobhraj Jayswal

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 08/09/2025.

DAILY ORDER

1. The above matter was heard on 26.08.2025.

2. Mr. D.S. Doshi, appearing on behalf of the Petitioner argued on maintainability of the Petition. He submitted that previously the Petitioner has made its submissions on the issue of maintainability of the Petition. The contention of the Respondent that the dispute is between consumer and licensee is not correct because the Petitioner has sought reliefs under the provisions of Regulations notified by the Commission wherein the task of laying down the transmission/distribution network is on the licensee and they are eligible to get extension in such timeline if the work is not completed within the stipulated time period of six months by approaching the Commission in this regard. The work when carried out by the consumer on behalf of the licensee, they must be eligible to get extension in time period for carrying out such work by applying equity between the parties. He submitted that if the contention of the Respondent considered that the said Regulation is not applicable to the consumer, in that case, the time limit of six months/180 days provided for completion of work is not applied to the consumer and the action of the Respondent that the work is not completed in 180 days the levy of demand charges by the licensee is illegal and arbitrary.

2.1. He further submitted that in so far as facts of the case are concerned, the levy of demand charges by the Petitioner is also not valid because the delay in completion of work by the Petitioner is beyond the control of the Petitioner.

2.2. He further submitted that there are other issues which are beyond the control of the Petitioner and qualified as force majeure events and the Petitioner is eligible for getting extension in time limit for completion of work. The levy of demand charges by the Respondent after 180 days is against the provisions of the Regulations notified by the Commission

and it is also against the relief available on a force majeure event which occurred in the present case.

2.3. He submitted that the Respondent has not given any option for creation of transmission/distribution network by the Petitioner as specified in the Regulations, but they have imposed Option III on the Petitioner to carry out aforesaid work which is in violation of the Regulations of the Commission.

2.4. He submitted that time may be granted to the Petitioner to file written submissions in the present matter.

3. Ld. Adv. Mr. Utkarsh Singh, on behalf of the Respondents submitted that the present Petition is not maintainable as it is a dispute between consumer and licensee and the same falls under Section 42 of the Electricity Act, 2003 read with the provisions of Electricity Supply code notified by the Commission wherein it is provided that the dispute pertaining to consumer and licensee is fall under CGRF and appeal against such order before the Electricity Ombudsman. Thus, the Commission has no jurisdiction to decide the dispute.

3.1. He submitted that the agreement for supply executed between the parties for extension of load does not consist of force majeure provision in the agreement. Thus, the contention of the Petitioner that the force majeure happened in this case, and it is entitled for relief under it, is not permissible.

3.2. He submitted that the failure of the Petitioner to complete the work as per terms of the agreement within the specified time limit is not qualify for grant of extension. Once the Petitioner has accepted to carry out the work and failed to complete it, it has no right to claim for extension in time limit agreed by it.

- 3.3. She submitted that the Regulations notified by the Commission does not provide for extension in time limit beyond 180 days. In that situation, the relief sought by the Petitioner for extension of time limit is not permissible under the Regulations which are sub-legislative in nature.
- 3.4. He contended that the Petitioner has not given an option for carrying out the work related to laying down transmission/distribution network is not correct. If the Petitioner has any grievance against it, it has to approach the Commission at the relevant time which is not done by the Petitioner. Hence, such contention is not valid and legal.
- 3.5. He submitted that time may be granted to the Respondents to file written submission in the present matter.
4. Heard the parties. We note that the Petitioner and the Respondents have completed their arguments and made their submissions in the matter. The Petitioner and the Respondents sought time to file their written submissions in the matter. We decide to grant 4 weeks' time to them for filing of written submission in the matter.
5. The matter will be reserved for order thereafter.
6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 08/09/2025.