

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2092 of 2022.

In the Matter of:

Petition under Sections 42, 43, 50, 86 & other applicable provisions of the Electricity Act, 2003 read with GERC (Electricity Supply Code and Related Matters) Regulations, 2015, GERC (Standard of Performance of Distribution Licensee) Regulations 2005 and other applicable Regulations of the GERC for seeking deemed extension of time for completion of 66 KV transmission line for 5000 KVA contract demand on post-facto basis and consequently directing MGVCL to consider 60 days' notice period from the deemed extended date and to refund minimum demand charges levied by MGVCL on deemed release basis on 5000 KVA contract demand till physical release of connection.

Petitioner : Virgo Aluminum Limited.

Represented By : Mr. D. S. Doshi

V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited

Represented By : Ld. Adv. Ms. Shrishti Khindaria alongwith Mr. S.K. Nair and Mr. J. R. Shah

Respondent No. 2 : Gujarat Energy Transmission Corporation Limited

Represented By : Ld. Adv. Ms. Shrishti Khindaria alongwith Mr. P.P. Shah and 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 28.08.2025.
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 then, 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 within 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. He submitted that the extension of load when granted by the Respondent, thereafter within the short time the Covid Pandemic observed in the State as well as in the Country and lock down condition was imposed upon by the Centre Government, which affects availability of manpower, material etc. which is beyond the control of the Petitioner as well as other similar entities. Further, the

Government has decided to grant extension in such situation for the infrastructure project also for certain period.

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 time may be granted to the Petitioner to file written submissions in the present matter.

3. Ld. Adv. Ms. Shrishti Khindaria, 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 falls under CGRF and appeal against such order before the Electricity Ombudsman. Thus, the Commission has no jurisdiction to decide the dispute.

3.1. She submitted that the agreement for supply executed between the parties for extension of load is 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. She submitted that the contention of the Petitioner that there was Covid pandemic and the relief was granted by the Government as well as the non-availability of manpower, material, etc. is concerned, the same is not considered for a ground for seeking extension of time limit.
- 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. She 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.