

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION**  
**GANDHINAGAR**

**Petition No.1826/2019**

**And**

**IA No. 11 of 2019**

**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 Commission seeking additional time for completion of 66 kV transmission line for 5000 KVA contract demand and consequently directing MGVL to suspend two months' notice dated 14.08.2019 issued to the Petitioner for levying demand charges on such contract demand on deemed release basis.**

Petitioner : JK Cement Limited  
Ahmedabad – Indore Highway,  
Village: Vadadala, Taluka: Balasinor,  
District: Mahisagar, Gujarat-388255.

Represented By : Shri D.S. Doshi, Shri Shafikur Rehman, Shri Rama  
Shankar Paliwal and Shri Arun Sharma

V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited  
Sardar Patel Vidyut Bhavan, Race Course Circle,  
Vadodara – 390007, Gujarat.

Represented By : Learned Advocate Ms. Ranjitha Ramachandran with  
Ms. N.V. Gupta

Respondent No. 2 : Gujarat Energy Transmission Corporation Limited  
Sardar Patel Vidyut Bhavan, Race Course Circle,  
Vadodara- 390 007, Gujarat.

Represented by: Learned Advocate Ms. Ranjitha Ramachandran with  
Ms. Venu Birappa

**CORAM:**

**Shri Anand Kumar, Chairman**

**Shri P. J. Thakkar, Member**

**Date: 04/07/2020.**

**DAILY ORDER**

- 1) The matter was kept for hearing on 19.06.2020 through Video Conferencing, physical presence being not insisted on account of prevailing COVID 19 pandemic and containing its spread. The Petitioner and the Respondents were intimated regarding the said hearing through email dated 06.06.2020.
  
- 2) Shri D. S. Doshi appearing on behalf of the Petitioner submitted that the Petitioner has received additional submissions filed by Respondent No. 2, GETCO on 17.06.2020 before the Commission questioning the admissibility of the present Petition and jurisdiction of Commission. He submitted that as directed by the Commission that the Petitioner first needs to address the Commission on the preliminary issues regarding the admissibility and jurisdiction of the Commission and whether the Commission has the powers to grant the extension as prayed for in the present matter or the issues involved in the present matter is a billing dispute between consumer and licensee as raised by Respondent No. 2, GETCO because the Commission first needs to decide the issues of admissibility, jurisdiction and whether this Commission has powers under the Electricity Act, 2003 and/or under the Regulations framed by the Commission to grant the extension sought in the present matter or the issue involved in the present matter is a billing dispute between consumer and licensee whereby the Petitioner is required to approach the CGRF for deciding the disputes involved between the parties. Moreover, once the Commission decides that whether the present Petition is admissible and the Commission has the jurisdiction to decide the present Petition in accordance to law, then the same will thereafter be heard on the merits, duly examining each and every facts of Petition individually. Therefore, the Petitioner is required to satisfy the Commission on aforesaid aspects of admissibility, maintainability, jurisdiction, powers of the Commission etc. including addressing the various contentions and

submissions made by the Respondents. He submitted that although the facts and merits in present Petition are different and distinct to those of Petition No. 1816 of 2019 but in so far as the submissions and arguments on behalf of the Petitioner on aspects of admissibility, maintainability, jurisdiction, powers of the Commission etc. and response to various contentions and submissions of the Respondents in this regard will be similar and identical to submissions and arguments advanced by him during today's hearing before the Commission in Petition No. 1816 of 2019 for the present matter also and therefore, rather than repeating the same he is adopting the submissions and arguments advanced by him during today's hearing of Petition No. 1816 of 2019 which may be considered by the Commission for the present matter. He submitted that the Commission may accordingly, first decide the aforesaid preliminary issues of admission, maintainability, jurisdiction, powers of the Commission and if it is decided by the Commission that it has jurisdiction and powers to decide the present matter the same may be heard on merits after admitting the Petition.

- 3) Learned Advocate Ms. Ranjitha Ramachandran, appearing on behalf of the Respondents, submitted that the Respondents have filed their reply in the present Petition and thereafter, Respondent No. 2, GETCO has also filed its submissions in the present matter as well as in other similar matters pending before the Commission related to extension of time and the said submissions are more or less similar, questioning the issue of admissibility/deciding the preliminary issues including the issue of jurisdiction and powers of the Commission. She submitted that the same submissions may also be treated on behalf of Respondent distribution licensee in the present matter and duly considered by the Commission.
- 4) She submitted that in so far as the submissions and arguments on behalf of the Respondents MGVCL and GETCO on aspects of admissibility, maintainability, jurisdiction, powers of the Commission etc. and response to various contentions and submissions of the Petitioner in this regard will be similar and identical to submissions and arguments advanced by her during today's hearing before the Commission in Petition No. 1816 of 2019 for the present matter also and therefore, she is adopting the submissions and arguments advanced by her during today's hearing of Petition No. 1816 of 2019 including the case laws for the present matter

also, which may be considered by the Commission. She submitted that the Commission may first decide the preliminary issues of admission, maintainability, jurisdiction, powers of the Commission before going into the merits of the matter. The Commission needs to first decide whether the Commission can exercise its power to grant any extension because only if there is such power conferred on the Commission in law and/or the Regulations, then only the Commission can exercise the same and then only it has the jurisdiction to exercise its powers, but if the statute/Regulations itself does not have any such provisions which empowers the Commission to grant extension of time then every grievance of the consumer including billing dispute or extension of time limit or any other issues of the consumers against the distribution licensee shall necessarily fall within the jurisdiction of the concerned CGRF of the distribution licensee and is required to be dealt by the concerned CGRF.

- 5) We have heard the submissions made by parties to the present matter. We note that the Petitioner was issued the estimate by the Respondent No. 1/MGVCL on 03.12.2018 which was paid on 01.02.2019 by the Petitioner. Thereafter, the Petitioner vide its letter dated 18.04.2019 addressed to Respondent No. 2, GETCO conveyed that the Petitioner has preferred to undertake the work as per Option-III and allotted work of 66 kV line and bays to M/s Manish Corporation, Vadodara and requesting to approve the said agency. However, the contract executed in this regard by the Petitioner with M/s Manish Corporation duly specifying various clauses regarding scope of work, timelines for completion of work, obligations of both parties etc. is not filed. The Petitioner through the present Petition is seeking extension of time limit for completing the work of 66 kV transmission line and bays undertaken under Option III. We also note that the Respondents have questioned the admissibility of the present Petition on the issues of jurisdiction. The Respondents have submitted that as such there is no provision under the Regulations of the Commission which empowers the Commission to exercise jurisdiction and to grant the extension of time limit sought by the Petitioner. Accordingly, today the matter was heard by the Commission on the limited issues of admissibility, jurisdiction and whether the statute or regulations / rules framed thereunder by the Commission empowers the Commission to decide the relief sought.

- 6) We note that in Daily Order dated 27.01.2020 passed by the Commission for the hearing held on 16.01.2020, various queries were raised by the Commission to the Petitioner, directing to respond to the same with supporting documents. We note that the Petitioner vide its affidavits dated 06.02.2020 and 12.06.2020 has filed its submissions including chronology of events. Further, Respondent No. 2, GETCO has also filed its reply pursuant to the directives of the Commission vide affidavit dated 02.06.2020. The Petitioner also filed rejoinder-in-reply vide affidavit dated 13.01.2020 in response to the reply filed by Respondent No. 1, MGVCL.
- 7) We note that in the submissions filed by Petitioner in compliance to the query of the Commission regarding delay in commencement of physical work in June-2019 vide affidavit dated 12.06.2020, it is stated that number of activities, procedures and formalities are involved as per requirement of GETCO before commencement of physical work at site, which are allowed after signing of Power Supply Agreement on 11.02.2019. The Petitioner proceeded with tendering of work, seeking approval of material specifications, vendor approval etc. for which chronology of events is submitted. We note that, the Petitioner has not provided any other information in justification to the query including the delay in approaching the Commission.
- 8) We note that on a query from the Commission as to whether the Petitioner wants to file any written submissions on the preliminary issues of admissibility, jurisdiction and power of this Commission including on submissions made on behalf of Respondents, Shri D. S. Doshi submitted that Petitioner does not want to file any written submissions and the Commission may decide the issue of admissibility, maintainability, jurisdiction, powers of the Commission in the present matter on the basis of arguments advanced during the hearing.
- 9) We note that the Petitioner and the Respondents submitted that arguments and submissions advanced by them during today's hearing of Petition No. 1816 of 2019 may be considered by the Commission for the present matter also and based on same the Commission first needs to decide preliminary issues of admissibility, jurisdiction and power of this Commission as to whether the Regulations of the Commission provides any powers to the Commission for granting extension of any time limit sought by the consumer. Accordingly, the Commission will decide these

preliminary issues of admissibility, maintainability, jurisdiction and powers of the Commission for providing extension of time limit sought by consumer.

- 10) The Petitioner and the Respondents have accordingly, completed their arguments and made their submissions on the issue of the admissibility and jurisdiction of this Commission in the present matter. The matter is now reserved for the Order on the issues of admissibility, maintainability, jurisdiction and powers of the Commission for providing extension of time limit sought by consumer.
- 11) We order accordingly.

**Sd/-**  
**[P. J. THAKKAR]**  
**Member**

**Sd/-**  
**[ANAND KUMAR]**  
**Chairman**

Place: Gandhinagar.

Date: 04/07/2020.