

**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: Adv. Ms. Harini Subramani with Mr. J. R. Shah and Mr. D. H. Yadav

Respondent No. 2: Gujarat Energy Transmission Corporation Limited

Represented by: Adv. Ms. Harini Subramani with Mr. Vasant Patel

CORAM:

Anil Mukim, Chairman

Mehul M. Gandhi, Member

S. R. Pandey, Member

Daily Order

Date: 12/10/2022

1. The matter was listed for hearing on 10.10.2022.

2. Mr. D. S. Doshi, appearing on behalf of the Petitioner, submitted that brief conspectus of the matter may be allowed to be put forth before the Commission.
3. Questioning the admissibility, maintainability and jurisdiction of the Commission to deal with the matter, Adv. Harini Subramani, appearing on behalf of the Respondents submitted that the Petitioner should have approached to the Consumer Grievances Redressal Forum as dispute is related to billing and between individual consumer and distribution licensee and thus does not fall within the jurisdiction of the State Commission as per Section 86 of the Act, 2003.
4. In counter, Mr. D. S. Doshi submitted that the dispute is not related to billing but it is related to time limit extension to complete work of erection of network to get electricity supply and in similar cases i.e. Petition No. 1816 of 2019, 1826 of 2019 and 1858 of 2020, the Commission has heard the matters and reserved the order for decision in regard to admissibility, maintainability and jurisdiction of the Commission to deal with the matters and similarly, this matter can also be reserved for decision in regard to admissibility, maintainability and jurisdiction of the Commission to deal with this petition.
5. Heard the arguments advanced by Petitioner and Respondents on the aspect of admissibility, maintainability and jurisdiction of this Commission to deal with this Petition. We note that similar matters i.e. Petition No. 1816 of 2019, 1826 of 2019 and 1858 of 2020 heard by the different bench of the Commission consisting of Hon'ble Member M. M. Gandhi and Hon'ble Member S. R. Pandey. Hence, the present matter be placed before the same bench for consideration and decide the subject matter. The staff of the Commission is directed to place the matter before the above bench for decision in the matter.
6. We Order accordingly.

Sd/-
(S. R. PANDEY)
MEMBER

Sd/-
(MEHUL M. GANDHI)
MEMBER

Sd/-
(ANIL MUKIM)
CHAIRMAN

Place: Gandhinagar

Date: 12/10/2022