

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2342 of 2024.

In the matter of:

In the matter of Petition under Sections 42, 43, 50, 86 and other applicable provisions of the Electricity Act, 2003 read with Regulations 1.14, 4.33, 9.21-9.25 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, GERC (Conduct of Business) Regulations, 2004 and other applicable Regulations seeking extension of time for completion of works for availing 7000 KVA Contract Demand from Respondent No. 1 and Consequential Directions to Respondent No. 1.

Petitioner : Hindalco Industries Limited

Represented by : Ld. Adv Mr. Kaustubha Mishra with Adv. Krishna Patel, Mr. Rohit Dongre and Mr. Chirag Sharma

V/s

Respondent No. 1 : Madhya Gujarat Vij Company Limited

Represented by : Ld. Adv. Ms Ranjitha Ramachandran and Mr. J. R. Shah

Respondent No. 2 : Gujarat Energy Transmission Corporation Limited.

Represented by : Ld. Adv. Ms Ranjitha Ramachandran along with Mr. S. K. Nair and Mr. H. K. Karia

CORAM:

**Mehul M. Gandhi, Member
S. R. Pandey, Member**

Date: 19.07.2025.

DAILY ORDER

1. The matter was kept for hearing on 16.10.2024.
2. At the outset Ld. Adv. Mr. Kaustubha Mishra on behalf of the Petitioner submitted that the Petitioner Hindalco Industries Limited is engaged in the business of manufacture and production of aluminum, refined copper, and allied products and is in the process of setting up a greenfield industrial manufacturing facility at Waghodia, GIDC, Vadodara, Gujarat for manufacture and production of copper products.
 - 2.1. He further submitted that the Petitioner have filed a rejoinder in reply filed by the Respondent GETCO and served copy to the Respondents. He further submitted that certain development has been taken place in the matter. He also submitted that the issue of Jurisdiction of the Commission as well as powers with the Commission to decide the present matter had been made in the submission by the Petitioner.
 - 2.2. He further submitted that the current Petition concerns a dispute between the parties regarding the interpretation of the third proviso to Regulation 4.33(2) of the GERC (Supply Code and Related Matters) Regulation, 2015. He emphasized that according to Regulation 9.3(3) of the GERC (Standard of Performance of Distribution Licensee) Regulations, 2005, the Distribution Licensee is obligated to release new bulk-power connections within 180 days after the completion of demand notice formalities by prospective consumers. He pointed out that the note appended to Regulation 9.3 of the SOP Regulations stipulates that the time limit for releasing a connection after receiving the demand note amount is subject to the connection being technically feasible and meeting safety requirements, excluding any delays attributable to the consumer or local

authority. He added that any such extended period should be reported to the Commission for its records.

- 2.3. He further argued that the disputes and issues raised in the Petition pertain to the interpretation of the Supply Code and the SOP Regulations. Therefore, according to the clear and unambiguous mandate of Regulation 1.14 of the Supply Code, the Commission has exclusive jurisdiction to entertain and adjudicate the petition. He further asserted about Commission's jurisdiction and further substantiated it by Regulation 9.22 of the GERC (Supply Code and Related Matters) Regulation, 2015.
- 2.4. He highlighted the evident disputes between the parties concerning the interpretation of the third proviso to Regulation 4.33(2) of the Supply Code. He asserted that, in accordance with Regulation 9.22 of the Supply Code, the Commission possesses the jurisdiction to entertain and adjudicate the Petition, grant the requested reliefs, and issue necessary orders as per Regulation 9.22 of the Supply Code.
- 2.5. He further argued that the Petition does not involve a "consumer dispute" as defined in Sections 42(5), (6), and (7) of the Electricity Act, 2003, contrary to the Respondent's claim. He emphasized that the CGRF (Consumer Grievances Redressal Forum) and Electricity Ombudsman, established under the GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019, lack the authority to interpret the Supply Code or adjudicate disputes between consumers and distribution licensees regarding its interpretation. Their powers are expressly limited by the CGRF Regulations, which do not grant them the authority to interpret the Supply Code or adjudicate related disputes. He specifically denied any suggestion that the petition concerns matter of invoices or billing. He reiterated that the disputes in the petition pertain to the interpretation of the Supply Code and the resolution of disputes arising from its

interpretation. Consequently, the CGRF and Ombudsman lack the jurisdiction to adjudicate these disputes or grant the requested reliefs.

- 2.6. The Petitioner submitted three Judgements cited by the Respondent MGVCL in its reply. Referring to the Hon'ble High Court Order in Surya Roshni case, it is submitted that in this case consumer had approached before the Commission for the extension of time for completion of the line works. Thereafter aggrieved with the order of the Commission, consumers had filed the Petition before the Hon'ble High Court of Gujarat in which the Hon'ble High Court has relegated the matter to the Commission to decide the issue. Therefore, the ground on which the Commission has disposed the said Petition directing consumer to go before the CGRF, the said issue was decided by the Hon'ble High Court relegating to the matter back to the commission. Therefore, the Commission has the jurisdiction to deal with the issue in the present case. Hence, the issue of jurisdiction is not an issue in the present case. The arguments advanced by the Respondents is therefore untenable in this regard.
- 2.7. He further submitted that the Order dated 27.11.2019 passed by the Electricity Ombudsman in Case No. 72/2019 titled RSPL Limited v/s. PGVCL as referred at para 6 of the Reply filed by the Respondent is distinguishable and not applicable to the facts and circumstances of the instant case.
- 2.8. He further cited the case of MERC v/s. Reliance Energy Limited (2007) 8 SCC 381 ("Reliance Energy"), as referenced by R-1/MGVCL. In this case, the dispute between consumers and the distribution licensee involved billing discrepancies, where the licensee had issued supplementary bills alleging meter inaccuracies. These bills were contested by consumers before the State Commission, which initially quashed them and issued directives to the licensee. However, on appeal, the Hon'ble APTEL overturned the State Commission's Order, asserting that billing disputes fell under the CGRF's jurisdiction. Ultimately, the Hon'ble

Supreme Court reversed the APTEL's judgment, affirming the State Commission's authority to issue directives to distribution licensees to enforce licensing conditions.

2.9. He further submitted that the Judgment dated 30.03.2009 passed by Hon'ble APTEL in Appeal No. 181 of 2008 titled BSES Rajdhani Power Limited v/s. Delhi Electricity Regulatory Commission ("BSES Rajdhani Power") cited by Respondent MGVCL in fact fully supports the Petitioner's submissions and does not support the arguments sought to be advanced by Respondent MGVCL in any manner whatsoever. In BSES Rajdhani Power, Hon'ble APTEL was concerned with a case where a consumer had raised a billing dispute before the Consumer Grievance Cell against a distribution licensee (regarding a bill raised with respect to a meter which was not installed in the consumer's premises) The Consumer Grievance Cell held that the distribution licensee was responsible for wrong billing despite which no corrective action was taken. The consumer thereafter filed appeal before the Ombudsman, wherein penalty of INR 11,000 was imposed upon the distribution licensee. The Ombudsman thereafter furnished a report to the State Commission, and the State Commission exercised Suo moto powers and directed the distribution licensee to pay compensation of INR 30,000 to the consumer. The distribution licensee filed appeal before Hon'ble APTEL against the Order passed by the State Commission. Hon'ble APTEL held that the State Commission had the power to regulate the conduct of distribution licensees and pass directions in case of violation of the Regulations by the distribution licensees.

2.10. He further submitted and referred the judgment dated March 30, 2009, passed by the Hon'ble APTEL in Appeal No. 181 of 2008, BSES Rajdhani Power Limited v/s. Delhi Electricity Regulatory Commission ("BSES Rajdhani Power"), supports the Petitioner's submissions and does not, in any means, support the

Respondent MGVCL's arguments, in the said Judgement Hon'ble APTEL held that the State Commission had the authority to regulate the conduct of distribution licensees and issue directives in cases of regulatory violations.

3. Ld. Adv. on behalf of the Respondent submitted that there is a preliminary issue which has to be considered as to whether the issue is within the jurisdiction of the CGRF under Section 42(5) to 42(8) of the Electricity Act, 2003 being a dispute between the consumer and distribution licensee or whether there is any specific power under the Supply Code for the Commission to entertain and consider the issue of extension. Similar issues have arisen in other Petitions also.
- 3.1. She submitted that as submitted by the Petitioner that Petitioner has filed Rejoinder Reply recently in the present matter. She requested to allow time to file consolidated Reply in present Petition.
4. Heard the Petitioner. We note that the Petitioner has filed the present Petition under Sections 42, 43, 50, 86 and other applicable provisions of the Electricity Act, 2003 read with Regulations 1.14, 4.33, 9.21-9.25 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, GERC (Conduct of Business) Regulations, 2004 and other applicable Regulations seeking extension of time for completion of works for availing 7000 KVA Contract Demand from Respondent No. 1 and Consequential Directions to Respondent No. 1.
- 4.1. We note that the Petitioner has argued against the Reply filed by the Respondent MGVCL. The Petitioner has made contentions on the jurisdictions of the Commission and power to deal with the present subject issue of the Petition to decide by the Commission.

4.2. We note that the Respondent MGVCL sought time to file the consolidated Reply on the Rejoinder filed by the Petitioner, let it be filed within three weeks' time with a copy to the Petitioner. The Petitioner is at liberty to file its reply if any, upon receiving the consolidated Reply from the Respondent MGVCL. We direct the parties to complete their pleading before the next date of hearing.

4.3. The Next date of hearing would be intimated separately .

4.4. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 19.07.2025.

