

**IN THE JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION AT
RANCHI**

Case No. 10 of 2023

M/s Dilip Buildcon Limited..... Petitioner
Versus
Jharkhand Bijli Vitran Nigam Limited &Ors..... Respondents

**CORAM: HON'BLE MR. MAHENDRA PRASAD, MEMBER (LAW)
HON'BLE MR. ATUL KUMAR, MEMBER (TECH)**

For the Petitioner : Mr.Dhananjay Kumar Pathak, Advocate
For the Respondent : Mr. Sachin Kumar and Mr. Srijan, Advocates

Date – 11th August, 2023

1. The Petitioner-M/s Dilip Buildcon Limited has filed the instant petition under clause 4.7 of the (Electricity Supply Code) Regulations, 2015.
2. The Prayers of the petitioner are as under: -
 - (a) To allow the petitioner to take new service HT connection from respondent JBVNL at 33KV having contract demand of 1000 kVA in view of the provisions of clause 4.7 of the (Electricity Supply Code) Regulations, 2015 at Gandhigram, Pathargama and BhatondhaKathon, Godda.
 - (b) For grant of any appropriate other relief or reliefs deem fit in the facts and circumstances of the instant case.

Submissions of the Petitioner

3. Learned counsel for the petitioner submitted that the petitioner company is duly registered with Registrar of Companies under provisions of the Companies Act, 1956 and its main objects are to carry on in India or elsewhere, either alone or jointly to construct, build, alter etc. such as roads, ways, culverts, dams, bridges etc.
4. It was submitted that National Highway Authority of India, New-Delhi issued Notice inviting Tender on 22.11.2021 for four laning of Mehgama-Hansdiha Section of NH-133 from existing Km 41+900 to existing 93+000 in the State of Jharkhand on Hybrid Annuity Mode and the petitioner company submitted its bid before NHAI under the terms and conditions of NIB dated 22.11.2021 and the petitioner company was declared as "selected bidder" as per the provisions of the RFP documents and accordingly LOA was issued by the DGM (Tech.) Jharkhand Division, NHAI on 15.12.2022 and consequently other formalities followed.
5. It was submitted that total length of the contract is 51.825 kms with estimated cost of Rs. 955.29 crores and the petitioner company has to construct road and for this they have to create a working space near the site for keeping minor minerals, diesel pumping sets, dammar concrete plant, crusher plant, hot Mix plant, WMM plant, RMC plant, houses for staffs and office space, store room for Machineries and other construction related articles and for the aforesaid purposes the petitioner company has made two separate land lease agreements from two different land owners and at two different places as because the petitioner company has to create two work spaces to save transportation cost of the entire project for which the petitioner company needs two electrical connection of contract demand of 1000 kVA at applied supply voltage of 33 kV.
6. It was further submitted that the petitioner Company applied online upon the website of the JBVNL with all relevant documents having application no.

MAR230128009813 (having NC81888528HT) and MAR21125009231 (having NC23396317) for getting Electrical connection at supply voltage of 33 kV having contract demand of 1000 kVA at Gandhigram, Pathargama (dated 30.01.2023) and BhatondhaKathon, Godda (dated 26.11.2022) respectively and Maps were also approved by the Chief Electrical Inspector, Ranchi.

7. It was pointed out that after submission of online applications upon the Website of the JBVNL, two separate feasibility reports for giving 1000 kVA load on 33 kV supply voltage to petitioner company at village Gandhigram, Mahgama, Godda and Village BhatondhaKathon, Godda were made stating that there is no dues in the applied premises and in the name of the applicant and for providing power supply at 33 kV voltage.
8. It was further submitted that the project site of the petitioner company is located in the village area under Godda District having irregular and interrupted electric supply and the work of the petitioner company is highly specialized and Technical therefore the petitioner company needs uninterrupted power for doing production at plant and any interruption in power supply will seriously damage the entire project cost of the petitioner company.
9. Learned Counsel for the petitioner submitted that there is no other adequate, alternative and efficacious remedy available to the petitioner and the relief as prayed for, if granted, will afford the Petitioner complete and adequate relief.
10. Learned counsel for the petitioner submitted that the petitioner company is ready to forego the voltage rebate pertaining to 33KV, if connection at 33KV is allowed to the petitioner.

Replies of the Respondent

11. Learned counsel for the respondent submitted that the relief as prayed by the petitioner may be rejected on the ground that JBVNL is able to make uninterrupted supply of 1000 kVA load at 11 kV voltage level at the site of the petitioner and the direction/approval of this Hon'ble Commission to supply 1000 kVA load at 33 kV voltage level may cause loss of fixed charges to the tune of Rs. 400 per kVA as well as loss of voltage rebate, which may be upto Rs. two lakhs per month.
12. Learned counsel for the respondent submitted that the JBVNL local authorities AEE/S/Mahagama and EEE/S/Godda have clearly stated in their feasibility report that there is no dues against the applied premises and in the name of applicant.
13. It was also submitted that 11 kV lines are also near by the premises where new connection is required by the petitioner and JBVNL is capable to provide uninterrupted power supply in the premises.
14. Learned counsel for the respondent submitted that before taking any decision on the prayer of the petitioner, the Hon'ble Commission may be pleased to consider the aforesaid aspect of the matter as stated by the respondent in the present counter affidavit as well as the existing JSERC (Electric Supply Code) Regulation, 2015 and as per the existing Regulation, the petitioner is entitled for contract demand of 1000 kVA at voltage level of 11 kV. No alteration/changes can be made by Distribution licenses/JBVNL.
15. That the statements made in para-16 of the petition are not correct as explained by the respondent in reply to para-1 of the petition. It is humbly stated and submitted that JBVNL may not provide the connection at 33 kV voltage level without exceeding 1500KVA as per JSERC clause 4.3 of supply code 2015. Further, no voltage rebate is applicable at 11 KV level by JBVNL

as per tariff while it provides voltage rebate at the rate of 3% in 33 kV Voltage level by which JBVNL will be in revenue losses in providing connection at 33 kV level on same load limit as per existing tariff norms. In addition to this, JBVNL will suffer fixed losses of nearly Rs. Two Lakh per month, if supply is made at 33 kV voltage line for load of 1000 KVA as per existing tariff norms.

Commission's Observation and findings

16. The Commission considered the submission made by the parties and perused the materials available on records.
17. It is further observed that clause 4.7 of the JSERC (Electricity Supply Code) Regulation, 2015 provides as under:

"4.7 The Distribution Licensee may, depending upon the technical conditions of the distribution system, give supply at a voltage and phase other than the classification of supply in clauses 4.3 and 4.3 of these Regulations, subject to the Commission's approval."
18. As directed by the Commission vide its order dated 01.08.2023, the Electrical Superintending Engineer, Deoghar vide its MEMO No. 1242/ESE dated 28.07.2023 submitted the interruption report of 11 kV line and regarding connectivity at 33 kV voltage level with SLD.
19. The Commission while scrutinizing the interruption report found that regular interruption persist at 11kV, as such the work of the petitioner may hamper at 11kV voltage level.

In the result, it is ordered as;

ORDER

20. Considering the facts and circumstances of the case and in view of the interruption report of 11 KV line, the connectivity at 33 kV voltage level, as prayed by the petitioner is allowed.
21. The Respondent-JBVNL may allow a new electricity connection at a voltage level of 33 kV with a Contract demand of 1000kVA after ensuring proper arrangement of metering, billing and network system protection.
22. It is also hereby clarified as admitted by the petitioner that the Petitioner will not claim voltage rebate corresponding to 33 kV voltage level as prescribed under JSERC (Electricity Supply Code) Regulations, 2015.
23. The petition stands disposed off, with the aforesaid directions.

Sd/-
Member (T)

Sd/-
Member (L)