

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

Case No. 15 of 2024

M/s Dayton Grains Pvt Ltd..... **Petitioner**

Versus

Jharkhand Bijli Vitran Nigam Limited and Ors..... **Respondents**

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

For the Petitioner : Mr. Dhananjay Kumar Pathak, Advocate

For the Respondent : Mr. Manoj Kumar, Mr. Rajesh Kumar Advocates, Mr.
Shekhar Suman, Sr. Manager, JBVNL

Date – 28th June, 2024

1. The petitioner M/s Dayton Grains Private Limited (hereinafter referred to as 'Petitioner') has filed the instant petition under clause 4.7 of the (Electricity Supply Code) Regulations, 2015 seeking necessary approval to take new service H.T. connection from JBVNL at supply voltage of 33kV having 700 kVA contract demand.
2. The Prayers of the petitioner are as under: -
 - (a) For approval of this Hon'ble commission to allow it to take new service H.T. Connection from respondent JBVNL at supply voltage of 33KV having contract demand of 700KVA.
 - (b) For grant of any other relief or reliefs as deemed fit in the facts and circumstances of the instant case.

Submissions of the Petitioner

3. Learned counsel for the petitioner submitted that the Petitioner, M/s Dayton Grains Pvt. Ltd. is a private limited company incorporated under the Company Act 2013 having its works at Plot No. 63, 66 & 67 of Khata no. 12 situated at Village-Mishroul, P.O- Tapej, P.S & Dist- Chatra, is in the process of establishing a Rice Mill unit at village Mishroul in the District of Chatra.
4. It was submitted that after completion of the third phase of the petitioner unit, the total requirement of power would be 2000KVA and the the petitioner has installed sophisticated plant and machineries having high production capacity and requires uninterrupted supply of power.
5. It was also submitted that considering the nature of requirement of power, the petitioner has applied online for fresh electricity connection at 33KV supply system with a contract demand of 700 KVA in a duly prescribed form on 13.03.2024 and its application has been registered vide application reference no. NC41643078HT and is still pending.
6. Learned counsel for the petitioner submitted that the petitioner has also got the map of electrical installations approved from the office of Electrical

Inspector, Energy Department Govt. of Jharkhand and it has been communicated to the petitioner vide certificate dated 02.03.2024.

7. It was further submitted that the petitioner subsequent to applying for electricity connection, had approached the respondents and requested to supply power at 33kV with a contract demand of 700kVA. The petitioner also explained about the continuous interruption and frequent power cuts at 11 KV supply. However, even after accepting the condition of power at 11kV the local authorities shown their inability to provide power to the petitioner at 33KV unless approval for the same is being given by this Hon'ble Commission.
8. It was submitted that the petitioner does not requires more than 700 kVA load, however, the plant and equipment installed by the petitioner requires uninterrupted supply of power, as such, the petitioner is constrained to take supply at higher voltage i.e. 33KV and the petitioner is setting up its unit in a remote village where the power supply position at 11 KV is extremely poor and there is frequent tripping/power cut/load shedding in 11KV supply of power and the total hours of supply is not more than 10-12 hours. In such a situation the unit of the petitioner will not be viable with 11kV supply of power. Hence, the petitioner is desirous to take supply at 33KV line and ready to bear the necessary infrastructural cost.
9. It was pointed out that the petitioner has installed two boiler having capacity of 32 tons each and at a time altogether 64 tons of rice will be put to system for processing and if in midst of the processing, the power gets cuts for an hour then the quality of 64 tons of rice will badly get effected.
10. Learned Counsel of the petitioner further submitted that the petitioner is ready to bear all the infrastructural expenses at its point of supply at 33 KV with contract demand of 700 KVA.
11. It was submitted that the petitioner had approached the respondents and apprised them that the petitioner is ready and willing to fulfill the other terms and conditions including installation of its own transformer as is being required under HTS category tariff. However, the respondents have clearly expressed their inability to supply power at 33 KV with a contracts demand of 700 KVA unless the required permission is being granted by the Hon'ble commission under clause 4.7 of the supply code regulation 2015.
12. It was also pointed out that 33KV supply line has crossed adjacent to the petitioner's unit and as such there is no requirement of erection of new 33KV supply line for providing electricity to the petitioner. Hence for supply of power to the petitioner at 33KV there is no technical impediment.
13. Learned counsel for the petitioner submitted that the petitioner is ready and willing to install the required infrastructure at its own cost and shall make proper arrangement of metering, billing and network/system protection. Moreover, the petitioner is also willing to forego voltage rebate and shall bear the expenses for availing power at 33kV supply.

Replies of the Respondents

14. Learned Counsel for the respondent submitted that the online application has been submitted by M/s Dayton Grains Private Limited for electric

connection at 33kV supply system with a contract demand of 700kVA.

15. It was also submitted that HT connection can be given to an applicant of load exceeding 100kVA upto 1500 kVA from 3 phase at 6.6kV/11kV/22kV voltage level and as per the clause 4.7 of the aforesaid Regulation, the distribution licensee may depending upon the technical condition of the distribution system may give supply at a voltage and phase other than the classification of supply in clause 4.3 of the regulation subject to Commission's approval.
16. It was also submitted that the present network system is feasible to provide electric connection against application no. IMC4164307 with quality power through 11Kv feeder namely Unta feeder has crossed nearest to the plant for which connection is applied and the feeder is coming out from 33Kv/11Kv Kullu More PSS. The total length of this feeder is approximately 35km and the plant exists at around 2.5km away from PSS.
17. It was further submitted that the maximum peak load of 11kV Unta feeder is 110 Amp and has 135 nos DTR. (before the plant only 11nos DTR are connected and after plant location 124 nos DTR are connected) and a location after the plant where the connection is to be given, feeders namely 11 KV Dohuri feeder and 11Kv Pachamba feeder has been connected on 40 Amp and 70 Amp respectively.
18. The Learned Counsel of the Respondent submitted that the poles and conductors of 11kV Unta feeder are under healthy condition and also it is ensured there will be no change in power supply of 11kV Dohuri feeder from 33/11kV kullu more PSS and 11kV Pachamba feeder from 33/11kV Dhebro PSS due to increase in load because both the feeders are emerged from different 5MVA power transformer and has sufficient load capacity.
19. Learned Counsel of the Respondent stated that if the applicant is not satisfied with the existing network line and has doubt regarding quality of power supply they can construct dedicated 11kV under deposit head as per the norms followed under the Electric Supply Code guided by JSERC and for the construction, sufficient space is available for 11kV bay at the 33/11kV Kullu More PSS because plant location exists at only 2.5 km away from PSS.
20. Learned Counsel of the Respondent submitted that the application vide reference no NC41643078HT is pending due to violation of rule according to clause 4.3 of the guideline issued under the Jharkhand Gazette by JSERC which shall be processed subject to final decision from Hon'ble Commission.
21. That in view of the statements made in the present counter affidavit, the prayers made by the appellant are liable to be rejected and accordingly the petition filed by the appellant also deserves to be dismissed.

Commission's Observation and findings

22. The Commission considered the submission made by the parties and perused the materials available on records.
23. It is further observed that clause 4.7 of the JSERC (Electricity Supply Code)

Regulations, 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 of these Regulations, subject to the Commission’s approval”.

24. The Commission observed that the 11KV feeder is 35 KM in length and respondent is not in a position to provide uninterrupted power supply to the petitioner company which is essential for smooth running of the factory.
25. The Petitioner during the course of hearing has consented and admitted of not claiming higher voltage rebate for availing supply of power at 33kV with a contract demand of 700kVA and shall bear necessary installation cost of bringing 33kV line to its factory premises.

In the result, it is ordered as:

ORDER

26. Considering the facts and circumstances of the case and keeping in view the role of quality power supply for the nature of work of the Petitioner, the prayer of the petitioner is allowed. The respondent may allow H.T. connection service to the petitioner at supply voltage of 33kV with a contract demand of 700kVA after ensuring proper arrangement of metering, billing and network system protection.
27. It is also hereby clarified that the Petitioner shall bear necessary installation cost of availing power from nearest 33kV line to its factory premises and shall not avail voltage rebate corresponding to 33kV voltage level as per JSERC (Electricity Supply Code) Regulations, 2015 as admitted by the petitioner.
28. In the result, the petition is disposed off in terms of the direction made in the above order.

Sd/-
Member(T)

Sd/-
Member(L)