

IN THE JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION AT RANCHI

Case No. 16 of 2024

Rajyash Agro Pvt Ltd..... **Petitioner**

Versus

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

**CORAM: HON'BLE JUSTICE MR. AMITAV KUMAR GUPTA, CHAIRPERSON
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, Sr. Standing Counsel and Mr. Moti Gope,
Standing Counsel, JUVNL

Date – 30th May, 2024

1. This Affidavit Petition has been filed by Rajyash Agro Private Limited(hereinafter referred to as 'Petitioner') under clause 4.7 of the (Electricity Supply Code) Regulations, 2015 for seeking necessary approval to take new service H.T. connection from JBVNL at supply voltage of 33kV having 800 kVA contract demand.
2. The Prayers of the petitioner are as under: -
 - (a) An application under clause 4.7 of the (Electricity Supply Code) Regulations, 2015 seeking necessary 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 800KVA.
 - (b) For grant of any appropriate other relief or reliefs as deemed fit in the facts and circumstances of the instant case.

Submissions of the Petitioner

3. The petitioner has stated that they have not as yet approached the Commission for the same matter and are now seeking approval under clause 4.7 of the (Electricity Supply Code) regulations, 2015. The petitioner has placed a request seeking permission from the Commission to acquire a new service High Tension (H.T.) Connection from the respondent JBVNL at a supply voltage of 33KV with a contract demand of 800KVA. Additionally, the Petitioner has stated that its company is duly incorporated under the Companies Act, and is involved in the processing of raw paddy and other related items.
4. The Petitioner has stated that the project unit of the petitioner is beneficial for local farming community due to its labor-intensive nature. The petitioner contends that the unit generates indirect employment, contributing to the overall economic development of rural areas. However, the petitioner claims that in absence of power connection the petitioner is unable to start its operation and hiring of manpower for day to day operation.
5. The Petitioner had applied for a new service High Tension (H.T.) connection online using the prescribed format of JBVNL, along with all necessary documents on 08.07.2023 with application no. NC67636922HT for load of 800 kVA at supply voltage of 33kV. The Petitioner has further stated that after submission of online application form on 08.07.2023 to the Respondent i.e. the Assistant Electrical Engineer, Electric supply sub-division, Jamua, Giridih there was no formal communication with the Petitioner for approval or rejection.
6. Learned Counsel for the Petitioner has submitted that the project site is located in the village area of Giridih district which has problems of regular electric supply and since the work of the petitioner's company is highly specialized

involving technical work of processing of rice paddy, therefore the petitioner requires uninterrupted power supply for production at its plant in climate control conditions and any interruption will seriously damage the entire project.

7. Learned Counsel for the petitioner has submitted the fact that 33kV line of JBVNL is passing near the gate of the proposed project site of the petitioner company and therefore no extra capital investment would be required by the respondent and if the Hon'ble Commission directs then the petitioner is ready to bear the installation cost for providing power under 33kV. Furthermore, the Petitioner during the course of hearing has admitted to forego voltage rebate for the said connection.
8. The Petitioner anticipates gradual increase in activities, and after successful project implementation, the contract demand will certainly increase in 1 or 2 years by 1500kVA or more.
9. The Petitioner has submitted that it is filing the present application under clause 4.7 of the (Electricity Supply Code) regulations, 2015 seeking necessary approval of this Hon'ble commission to allow it to take new service H.T. Connection from the respondent JBVNL at supply voltage of 33KV having contract demand of 800KVA which reads as follows:

"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. "
10. The Petitioner has stated and submitted that there is no other adequate, alternative and efficacious remedy available to the Petitioner and the relief as prayed for, if granted, will provide the Petitioner complete and adequate relief.

Replies of the Respondents

11. The Learned Counsel for the Respondent has stated and submitted that the contention and averments raised on behalf of the petitioner in the instant application, are hereby denied and instead of giving parawise reply to the instant application, the respondent would like to submit the actual facts for just and appropriate decision of the case.
12. The learned counsel for the Respondent has humbly stated that from perusal of the application of the petitioner it is evident that the length of tapping location from GSS is approximately 18km (i.e.132/33kV Kurumdiha Giridih,Jamua,GSS) and the tapping point of 33kV Khragdiha to Rajdhanwar feeder passes near the proposed location at Durita more, which is near village Nawashar.
13. The Learned Counsel for the respondent has also submitted that Assistant Electrical Engineer ,Electric Supply sub division ,Jamua has also prepared proposal for connection of a single line diagram for giving new service connection of 33kV line supply voltage for contract demand of 800kVA to M/s Rajyash Agro Private Limited wherein Electrical Executive Engineer, Electric supply division, Giridih (North) has also consented.
14. The Respondent has stated that the nearest 11kV feeder(Jharkhand) in which average power supply is about 18/hours/day is located at a distance of around 35km wherein there exists a problem of tripping and conductor snapping.
15. The Learned Counsel for the Respondent has humbly stated that the application of the petitioner has been examined and after perusal of the same, has already been rejected on 15.09.2023 and the reason for rejection of the application of the petitioner company is summarized below:

- i. As per supply code regulation 2015, clause 4.3,800kVA contract demand shall be given on 11kV line only, subject to technical feasibility of line and transformer in which connection and sanction shall be given from a competent authority.
 - ii. Also as per clause no 4.3 of the supply code regulation 2015, contract demand beyond 1500kVA upto 20000kVA shall be given on 33kV line only, subject to technical feasibility of the line and transformer in which connection shall be given upon sanction of load from competent authority.
16. The Learned counsel for the respondent has stated that the aforesaid premises of facts of the petitioner is not entitled to any relief(s) as prayed for and the present case is fit to be dismissed.

Commission's Observation and findings

17. The Commission considered the submission made by the parties and perused the materials available on records.
18. 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 and 4.3 of these Regulations, subject to the Commission's approval".

19. The Petitioner in course of hearing has fairly conceded of not claiming rebate for availing higher voltage supply of power at 33kV with a contract demand of 800kVA and stated that necessary installation cost of bringing 33kV line to the factory premises shall be borne by the petitioner.

In view of the submissions of the parties and the provision of the regulation, it is hereby ordered as under:

ORDER

20. Considering the facts and circumstances of the case and taking into account the requirement and need of quality power for running/operating the project units of the petitioner the respondent shall allow H.T. connection service to the petitioner at supply voltage of 33kV with a contract demand of 800kVA and ensure proper arrangement of metering, billing and network system protection.
21. It has been admitted by the Petitioner that necessary installation cost of availing power from nearest existing 33kV line to the factory premises shall be borne by the petitioner and the petitioner shall not avail voltage rebate corresponding to 33kV voltage level as per JSERC (Electricity Supply Code) Regulations, 2015.
22. With the aforesaid observation the petition is hereby disposed off.

Sd/-
Member (T)

Sd/-
Member (L)

Sd/-
Chairperson