BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION GANDHINAGAR

Petition No.1875/2020.

In the Matter of:

Petition under Section 50 of the Electricity Act, 2003 and Clauses 3.3, 9.21, 9.22, 9.23, 9.24 and 9.25 of GERC (Electricity Supply Code and Related matters) Regulations, 2015 for approval and necessary direction of the Commission with regard to proposal of GIFT Power Company Limited for modification in the billing and metering arrangement of HTP-I consumers residing in the High-rise buildings in its area of supply.

Petitioner	:	GIFT Power Company Limited
Represented By	:	Mr. Rakesh Inala.
		V/s.
Respondent No. 1	:	Uttar Gujarat Vij Company Limited
Represented By	:	Mr. R.B. Ninama and Mr. B.S. Chaudhari
Respondent No. 2	:	Dakshin Gujarat Vij Company Limited
Represented By	:	Mr. S.P. Patel, Mr. P.G. Patel and Mr. B.D. Patel.
Respondent No. 3	:	Paschim Gujarat Vij Company Limited
Represented By	:	Mr. K.J. Patel, Mr. D.V. Gojiya and Mr. J.R. Bavaliya
Respondent No. 4	:	Madhya Gujarat Vij Company Limited
Represented By	:	Mr. P.C. Patel.
Respondent No. 5	:	Torrent Power Limited, Distribution (Ahmedabad)
Represented By	:	Ms. Luna Pal and Mr. Rahul Dubey.
Respondent No. 6	:	Torrent Power Limited, Distribution (Surat)
Represented By	:	Ms. Luna Pal and Mr. Rahul Dubey.
Respondent No. 7	:	Torrent Power Limited, Distribution (Dahej)
Represented By	:	Ms. Luna Pal and Mr. Rahul Dubey.
Respondent No. 8	:	MPSEZ Utilities Limited
Represented By	:	Mr. Tapan Pandya
Respondent No. 9	:	Deendayal Port Authority

Represented By	:	Nobody was present.
Respondent No. 10	:	Jubilant Infrastructure Limited
Represented By	:	Nobody was present.
Respondent No. 11	:	Aspen Infrastructure Limited
Represented By	:	Nobody was present.
Respondent No. 12	:	Gujarat Energy Transmission Corporation Limited
Represented By	:	Mr. M.J. Vasava.
Respondent No. 13	:	State Load Despatch Centre - Gujarat
Represented By	:	Nobody was present.
Objector No. 01	:	Utility Users' Welfare Association
Represented By	:	Nobody was present.
Objector No. 02	:	Users' Welfare Association
Represented By	:	Nobody was present.

CORAM:

Pankaj Joshi, Chairman
Hiren Shah, Member

Date: 23/07/2026.

ORDER

1. The present Petition has been filed by Petitioner under Section 50 of the Electricity Act, 2003 and Clauses 3.3, 9.21, 9.22, 9.23, 9.24 and 9.25 of GERC (Electricity Supply Code and Related matters) Regulations, 2015 *inter-alia* seeking following reliefs.

(a) Admit the present petition for further necessary process.

(b) *Approve the suitable proposal for HT consumer billing at LT level as proposed by the petitioner in Option -1 to Option -3 in the petition as deems fit by the Hon'ble Commission. Accordingly specify the guidelines for HT consumer billing at LT level.*

(c) *Allow additions/ alterations/ changes modifications to the application at a future date.*

(d) *Allow any other relief, order or direction, which the Hon'ble Commission deems fit to be issued.*

(e) *Condone any inadvertent omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter this filing and make further submissions as may be required at a future date.*

2. The facts mentioned in the Petition, in brief, are as under:

2.1. The Petitioner GIFT Power Company Limited (GIFTPCL) is a 100% subsidiary company of Gujarat International Finance Tec-city Company Limited (GIFTCL) and is incorporated under the provisions of the Companies Act 1956. The Petitioner is a distribution licensee for the supply of electricity in the GIFT Project area. The Commission has granted the license of distribution of electricity vide Order dated 06.03.2013 in License Application No. 01/2012 to GIFT Power Company Limited. The Petitioner was incorporated in order to cater the power requirement of GIFT City which includes both Special Economic Zone and DTA Zone in GIFT City. The Company's services

encompass to develop, maintain and provide infrastructure facilities and services in the entire GIFT city including but not limited to water and waste management, telecom and transportation services, distribution of power and natural gas or any other forms of energy.

2.2. It is stated that GIFT City is a planned and integrated development that will comprise of over 100 vertical buildings with total Built-up area (BUA) potential of approximately 62 mn. sq. ft. of which 67% will be Commercial, 22% Residential and 11% Social (hospitals, schools etc.).

2.3. It is stated that GIFT PCL is operating in new green field project of developing the smart city for Financial and IT-ITES services. Development rights for developing floor space of commercial, residential and social nature are already allotted to many developers. Further the details of development of allotted, under progress and completed projects are as under:

Status of development of building in GIFT City area

Sr. No.	Developers Name	Type of building	Allotted Floor Space in Mn SFT	Status of Development	Timeline allotted for development
1	State Bank of India	Residential	0.2	Under Construction	2023-24
2	Sobha Ltd.	Residential	0.2	Under Construction	2021-22
3	Sobha Ltd.	Residential	0.46	Under Construction	2022-23
4	Sangath Infrastructure Pvt. Ltd.	Residential	0.25	Not started	2024-25
5	Sobha Ltd.	Residential	0.24	Not started	2023-24
6	Sobha Ltd.	Residential	0.399	Not started	2023-24
7	Sterling Addlife India Ltd.	Social	0.22	Not started	2026-27
8	WTC Noida Development Company Pvt. Ltd.	Commercial	0.093	Under Construction	2019-20
9	WTC Noida Development Company Pvt. Ltd.	Commercial	0.57	Under Construction	2020-21
10	WTC Noida Development Company Pvt. Ltd.	Commercial	0.27	Under Construction	2021-22

11	WTC Noida Development Company Pvt. Ltd.	Commercial	0.093	Under Construction	2019-20
12	State Bank of India	Commercial	0.19	Under Construction	2021-22
13	Life Insurance Corporation of India	Commercial	0.2	Under Construction	2022-23
14	Prestige Estate Projects Ltd.	Commercial	0.31	Under Construction	2020-21
15	Dalal Street Commercial Co-operative Society Ltd.	Commercial	0.31	Under Construction	2020-21
16	Completed BUA	All	3.29	Completed	Till date

2.4. It is stated that the GIFT PCL is developing the network of transmission and distribution line up to individual high rise building switching panel room. All the power distribution network inside the building including incoming HT panel, transformers and LT distribution network is being developed by the building developers as per approved schemes of GIFT PCL.

2.5. Further, the consumer residing in the high-rise building are mainly of following nature depending on type of development and purpose of use:

(i) Individual Institutional building having connected load > 100 KW with single HT connection for the building.

(ii) Mix use building consisting of LT and HT consumer depending on contracted demand. Mainly common load and multiple floor unit of single institution are HT consumer as their power demand is more than 100 KW.

2.6. It is stated that the supply to consumers falling in category (i) above can be given under HTP-I category of tariff with 11 kV/22 kV three phase connection as per the provisions in GERC supply code Regulations. However, for consumer residing in mix use high rise

building falling in category (ii) above, it is not possible to give supply to mix consumers (i.e. consumers having connected load < 100 kW and > 100 KW) as per GERC Supply Code provisions at LT and HT level separately because of the space constraint. Due to limited space available in the high rise building premises, installation of separate LT and HT network along with the transformer, Kiosk, metering arrangement is technically as well as economically not feasible.

2.7. It is stated that the present status of developed floor space, projected power demand, year of completion of building, actual developed power demand is as under:

Power demand across various completed building in GIFT city area

Sr. No.	Developers Name	BUA in MN SFT	Projected demand in MW	Completion Year	Actual present contract demand in MW
1	West India Recreation Projects Pvt. Ltd.	0.21	1.19	2015-16	0.45
2	Narsee Monjee Educational Trust	0.12	0.70	2015-16	0.086
3	Indian Oil Corporation Ltd.	0.01	0.05	2014-15	0.025
4	Janadhaar (India) Pvt. Ltd.	0.10	0.32	2018-19	0.72
5	GIFTCL	0.038	0.12	2018-19	0.27
6	Smart ICT Services Pvt. Ltd.	0.06	2.00	2015-16	1.00
7	Brigade Hotel Ventures Ltd.	0.11	0.45	2019-20	0.3
8	Sabarmati Capital One Ltd.	0.62	2.59	2013-14	2.139
9	Sabarmati Capital Two Ltd.	0.59	2.50	2013-14	2.468
10	GIFTCL Aspire I	0.06	0.25	2016-17	0.391
11	Volupia Developers Pvt. Ltd.	0.30	1.26	2015-16	1.646
12	Brigade (Gujarat) Projects Pvt. Ltd.	0.27	1.12	2016-17	1.848
13	ATS-Savvy Developers LLP	0.40	1.68	2017-18	0.095
	DCS Plant		4.0	2013-14	2.5
	AWCS Plant		0.8	2013-14	0.25
	WTP, STP and other infrastructure		2.5	2013-14	2.4
	Total	**2.89**	**21.42**		**16.58**

2.8. It is stated that at present GIFT PCL has 10 Nos. of existing HTP-I consumer with demand between 100 kVA to 425 kVA in those high-rise building. All these customers are dealt as per present HTP-I customer tariff with LT metering arrangement. However, as the major development in GIFT city area is of vertical load, it is estimated that

number of prospective customer, in those high rise building, with demand more than 100 kW would be nearly 250.

2.9. The details of existing and prospective consumer in GIFT PCL area having connected load greater than 100 KW are mentioned as under:

Sr. No.	Name of the Consumer	Tariff Category	Contracted demand (kVA)	Existing / prospective
1	Sabarmati Capital One Limited	HTP-I	350	Existing
2	Sabarmati Capital Two Limited	HTP-I	300	Existing
3	Gujarat International Finance Tec-City Co. Ltd.	HTP-I	250	Existing
4	India International Exchange (IFSC) Ltd.	HTP-I	120	Existing
5	Volupia Developers Pvt. Limited	HTP-I	425	Existing
6	Bank of Baroda	HTP-I	390	Existing
7	Tata Consultancy Services Limited	HTP-I	256	Existing
8	Oracle India Private Limited	HTP-I	200	Existing
9	Cybage Software Private Limited	HTP-I	110	Existing
10	Brigade (Gujarat) Projects Private Limited	HTP-I	370	Existing
11	Prestige Estates Projects Limited	HTP-I	400	Prospective
12	WTC Noida Development	HTP-I	100	Prospective

2.10. It is stated that these consumers are billed as per HTP I tariff as given in the tariff schedule as the individual load is more than 100 kW. As per the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, for installation with Contract Demand exceeding 100 kVA/kW and upto 4000 kVA/kW, the supply would be at voltage level of 11 kV and 33 kV (Three Phase). This means the individual consumer has to take the 11/33 kV supply and install transformers and associated requirement in its premises as per the provision of Supply Code. However, the buildings do not have space for installation of individual transformer for each consumer having load more than 100 kW. The single transformer at the building basement is used to step down the voltage and necessary LT cable from the transformer has been used for individual metering and supply. The

consumer categories in the building is also mixed, some are LT and some are HTP-I.

2.11. It is stated that every multi-storied building has 33/0.415 kV transformer having capacity to meet overall power requirement for all consumers with N-1 redundancy. For LT network, LT bus-ducts are installed for floor wise power distribution from transformer located at basement/ground floor of the building. For common use of every building, power requirement is more than 100 kW. Some tenants or owners are having more than one floor and, in that case also, power demand is more than 100 kW. In all these cases, it is technical prudent to give power supply from existing transformers and LT bus duct. GIFT PCL is providing LT metering arrangement (located in the basement/ground floor at LT metering panel) for providing connection to the consumers having demand more than 100 kW. LT bus duct sizes are of suitable sizes capable of drawing full capacity of the building load. Therefore, every such HTP-I consumer in the high-rise building (having load more than 100 kW) is receiving the supply at LT level from the transformer located in the building without installing individual transformer. The single building transformer is supplying required electricity through LT line to the HTP-I consumers. This technical difficulty compels GIFTPCL to billed those consumer as per HTP-I tariff but metering is done at LT level. Now to solve the issue, GIFTPCL is requesting to introduce the necessary provision of LT metering for HT consumers and permit GIFTPCL to do the same in its area of supply.

2.12. The provisions under GERC' Supply code, GIFTPCL's proposal and other States' Regulations/orders in similar cases in support of its proposal are summarized below:

Definitions:

"2.3 In this Code, unless it is repugnant to the context:

……..

*(18) '**Consumer**' refers to any person who is supplied with electricity for his/her own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be.*

A consumer is specified as a:

(i) 'Low Tension Consumer (LT Consumer)' if he obtains supply from the licensee at low or medium voltage;

(ii) 'High Tension Consumer (HT Consumer)' if he obtains supply from the licensee at High Voltage;

(iii) 'Extra High Tension Consumer (EHT Consumer)' if he obtains supply from the licensee at Extra High Voltage;

…….

*(32) '**Extra High Voltage'** refers to Voltage equal to and greater than 66 kV;*

*(37) '**High Tension or HT/High Voltage'** refers to Voltage greater than 440 V and lesser than 66. kV;*

*(44) '**Low Tension or LT/Low Voltage**' refers to Voltage not exceeding 440 volts;*

*(52) '**Point of Supply'** refers to, unless otherwise agreed to, the incoming terminal of the cut-out installed by the consumer, i.e. Meters/switches installed at the Consumer's Premises in case of LT Consumers; Distribution box installed on transformer centre / substation established on Consumer's premises, when meter is installed on such a transformer centre/ substation. Control switchgears that may be installed in the Consumer's Premises as provided subject to provision of this code in case of HT and EHT Consumers;"*

System of supply:

"……

3.2 The rated voltage of the AC supply should be as follows:

Category	***System of Supply***
For all installation up to and including 6 kW connected load, subject to motive power load other than Irrigation Pump not exceeding 2 HP in the aggregate	*230 V - Single Phase*
For all installation exceeding 6 kW of connected load (motive power load exceeding 2 HP and up to 150 HP in the aggregate) and up to 100 kVA/KW of contracted demand.	*400 V - Three Phase*
For all installation with contract demand exceeding 100 kVA/ kW and up to 4000 kVA/kW. However, for existing 22 kV consumer the contract demand limit shall be extended up to 8000 kVA/kW subject to undertaking from consumer for reverting back to 4000 kVA/kW limit in case of change of system to 11 kV under system conservation scheme.	*11 kV and 22 kV - Three phase*
All installations with contract demand exceeding 4000 kVA/kW	*At 33 kV and above - Three Phase*

The Consumer may opt for higher profile of supply even though the contracted load is less than the specified limit under higher profile of supply, if he so desires.

In case of existing consumers drawing power at lower voltage, if due to the additional requirement they cross the threshold limit of load, in such cases the licensee may, as far as possible, make commercially viable offer to the consumers so that he opts for the next higher voltage of supply. The commercial offer may be framed taking into consideration the following-

(a) Likely reduction in Transmission and Distribution Losses;

(b) Load reduction on transformers of licensee's system and their availability for meeting new requirements.

However, supply to existing consumers at voltage lower than the limit specified above, should continue and in case their load requirement increases, the above specified load limit will be applicable.

3.3 The 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 clause 3.2 of this Code, subject to the Commission's approval.

….."

Point of Supply:

"….

4.105 Unless otherwise agreed to, the point of supply shall be the incoming terminal of the cut-out installed by the consumer, i.e.

(a) the incoming terminal of the cut-out/MCB/ELCB installed by the consumer immediately after meter in case of LT Consumers;

(b) Distribution box installed on transformer centre/substation established on Consumer's premises, when meter is installed on such a transformer centre/substation.

(c) Control switchgears that may be installed in the Consumer's Premises as provided subject to provision of this code in case of HT and EHT Consumers.

4.106 At the point of commencement of supply, the consumer shall provide a main switch/circuit breaker. In addition, HT & EHT consumers shall also provide suitable protective devices as per the provisions of clause 35 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendments thereof. The system of protection shall have to be approved by the licensee before commencement of supply. Meters, MCBs/CBs and associated equipment procured by the Consumer shall be installed by the licensee at the point(s) of supply.

4.107 HT and EHT consumers shall install step-down transformers with a vector group with delta winding on the high voltage side and star winding on the low voltage side, with the neutral terminal brought out and solidly earthed."

"Power of Relaxation and Power to Remove Difficulties

9.21 The Commission may, in public interest and for reasons to be recorded in writing, relax any of the provisions of this Code.

9.22 If any difficulty arises in giving effect to any of the provisions of this Code or there is a dispute regarding interpretation of any provision, the matter may be expeditiously referred to the Commission. The Commission shall pass necessary orders after consulting the parties concerned, provided that the Commission may refuse to entertain the reference filed beyond 3 months' delay without sufficient cause.

Savings of Inherent Power of the Commission

9.23 Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Gujarat Electricity Regulatory Commission to make such orders as may be necessary for ends of justice to meet or to prevent abuses of the process of the Commission.

9.24 Nothing in this Code shall bar the Gujarat Electricity Regulatory Commission from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of this Code, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

9.25 Nothing in this Code shall, expressly or impliedly, bar the Gujarat Electricity Regulatory Commission dealing with any matter or exercising any power under the Act for which no Codes have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit."

2.13. It is stated that the second provision of Regulations 5.3 of MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 provides as under:

> *"Provided further, the licensee may release electricity supply at the voltage lower than the specified above only under exceptional circumstances by charging voltage surcharge determined by the Commission from time to time. The distribution licensee shall ensure that the supply is provided at the specified voltage within a period of one year."*

2.14. It is stated that in Maharashtra also, electricity supply at the voltage lower than the specified voltage is allowed with the provision that Commission will determine the voltage surcharge.

2.15. The similar issue was also highlighted in Maharashtra tariff proceeding in case of '*Approval of Maharashtra State Electricity Distribution Company Limited*'s Annual Revenue Requirements for FY 2004-05, FY 2005-06 & FY 2006-07, and Determination of tariff for FY 2006-07' (Case No. 54 of 2005 dated 20.10.2006). The relevant part of the said Order is given below:

> ***"16. Billing***
>
> *……*
>
> *In this Order, the Commission also rules that MSEDCL should provide HV metering equipment for a high voltage consumer. In case, due to any valid reasons or for historical reasons, MSEDCL has installed metering on the LT/MV side, the following methodology only has to be followed for billing purpose and no other agreement would be valid:*

- *2% would be added to the MV demand reading, to determine the kW or kVA billing demand, and*
- *'X' units to the MV kWh reading to determine the total energy compensation to compensate the transformation losses, were X is calculated as follows:*

'X' = {(730 kVA rating of transformer)/500} units per month to compensate for iron losses plus one percent of units registered on the LT side for copper losses."*

2.16. Further, Regulations 26 of TNERC Electricity Distribution (Amendment) Code 2012 have also the provision of supply at lower voltage as per mutual consent, which is as under:

> *"(2) In case of existing service connection / installation not conforming to the provisions mentioned in Sub-Regulation (1), conversion of such service connection / installation to higher / lower voltage may be carried out based on the mutual consent between the Distribution Licensee and the Consumer duly considering the capacities of the existing line/cable, transformer, etc. and the cost-benefit analysis of such conversion."*

2.17. It is stated that the note (iv) of Regulations 4 of RERC Electricity Supply Code and Connected Matters Regulations, 2004 has the similar provision of supplying at lower voltage with suitable cost reimbursement and 3% losses, which is as under:

> *"The Licensee may allow supply to a consumer at a voltage level one stage higher or lower in exceptional circumstances. If any consumer/applicant has applied for supply at a lower voltage than the applicable supply voltage level as per its*

contract demand, then that consumer has to bear the cost of HV/EHV transformer on pro-rata basis for entire demand. However, in such cases the supply shall be allowed through a dedicated feeder at applicant's cost and the consumer shall be required to bear transformation and line losses @ 3%."

2.18. It is stated that the option to introduce the HT consumer metering at LT level due to technical constraint. Presently as per Clause 9.21 to 9.25 of GERC' Supply Code under '*Power of Relaxation and Power to Remove Difficulties*' and '*Savings of Inherent Power of the Commission'*, the Commission has the necessary power to clarify the issues relating to the implementation of GERC' Supply Code. The relevant provisions are reproduced as under:

(i) Clause 9.21: Relaxing any of the provisions of this Code in public interest and for reasons to be recorded in writing.

(ii) Clause 9.22: If any difficulty arises in giving effect to any of the provisions of this Code or there is a dispute regarding interpretation of any provision, the matter may be expeditiously referred to the Commission.

(iii) Clause 9.23: Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Gujarat Electricity Regulatory Commission to make such orders as may be necessary for ends of justice.

(iv) .....

(v) Clause 9.25: Nothing in this Code shall, expressly or impliedly, bar the Gujarat Electricity Regulatory Commission dealing with any matter or exercising any power under the Act for which no Codes have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

2.19. The Clause 3.3 of GERC' Supply Code provide as under:

> "*The 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 clause 3.2 of this Code, subject to the Commission's approval.*"

2.20. Therefore, as per the above Clause, distribution licensee can give supply at a voltage and phase other than the classification of supply in clause 3.2 of this Code, if Commission approves the same. Therefore, under the same provisions, GIFTPCL requested the Commission to approve the proposal of metering at LT level for HTP-I consumer, where technical constraints arise.

2.21. It is stated that considering the GERC' Supply Code provisions and the approaches followed by other SERCs in dealing with similar case of providing supply at lower than specified voltage level, the GERC can approve the same as provided below:

(a) GERC approves the supply at a voltage and phase other than the classification of supply in clause 3.2 of supply code under the powers vested in Regulations 3.3 of GERC Supply Code.

(b) GERC can specify necessary provision of HT consumer billing at LT level as deemed fit.

2.22. The Petitioner based on the practices followed in Maharashtra, Rajasthan & Tamil Nadu, proposes following two scenarios for calculating the loss to utility for HT consumer billing at LT level given below:

(a) Assumed losses to be added to HT consumer bill who are getting supply at LT level.

i. 2% would be added to the demand reading, to determine the kW or kVA billing demand, and

ii. 'E' units to the energy (kWh) reading to determine the total energy compensation to compensate the transformation losses, were E is calculated as follows:

'E' = {(730* kVA rating of transformer)/500} units per month to compensate for iron losses plus one percent of units registered on the LT side for copper losses.

So, total consumption of a HT consumer = {(730* kVA rating of transformer)/500} units + 1% of actual metered energy at LT level + actual metered energy at LT level

(b) As per second provision of Regulations 5.3 of MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014, the Commission may determine the appropriate voltage surcharge accordingly. Then the same voltage surcharge can be

introduced in the bills of the HTP I consumers, who are getting supply at LT level and metering is done at LT level.

(c) Allow GIFT PCL to continue the present practice followed for HT consumer billing at LT level

3. The matter was kept for hearing 22.06.2021. Pursuant to the said hearing, the Commission has passed Daily Order on 30.06.2021 wherein the Commission directed the Petitioner to implead the Distribution Licensees, viz., Uttar Gujrat Vij Company Limited, Dakshin Gujarat Vij Company Limited, Paschim Gujarat Vij Company Limited, Madhya Gujarat Vij Company Limited, Torrent Power Limited- Ahmedabad, Surat and Dahej, MPSEZ Utilities Private Limited, Kandla Port Trust, Jubilant Infrastructure Limited and Aspen Infrastructure Private Limited, Gujarat Energy Transmission Corporation Limited and State Load Despatch Centre- Gujarat, as party Respondents in the present matter. The Petitioner was also directed to amend the memo of parties in the present Petition and provide the copy of amended Petition to aforesaid Respondents. The Commission further directed the Petitioner to issue a public notice after amending memo of parties and also to upload the present Petition with all the documents on its website and invite comments and suggestions from the stakeholders on the Petition on affidavit within 30 days from the date of issuance of public notice.

3.1. In compliance to the above directives of the Commission, the Petitioner vide affidavit dated 06.07.2021 has impleaded all the Distribution Licensees, Gujarat Energy Transmission Corporation

Limited and State Load Despatch Centre – Gujarat, as party Respondents in the present matter and also provided a copy of amended petition to the Respondents.

3.2. It is also noted that the Commission passed Daily Order dated 30.06.2021, wherein directions were given to the Petitioner for inviting comments/suggestions/objections from the stakeholders in the present Petition by issuing public notices in newspaper and accordingly, in compliance thereof, the Petitioner has published the same in 'Times of India' and 'Gujarat Samachar' newspapers on 14.07.2021 and also uploaded on its website for inviting the objections and suggestions from the stakeholders in the present Petition. Moreover, the Petitioner has also filed compliance affidavit dated 06.07.2021 in this regard before the Commission on 22.07.2021. It is further submitted that in response to the aforesaid public notice, the Petitioner has received the comments/objections from two stakeholders, viz., (i) Utility User's Welfare Association and (ii) User Welfare Association in the present Petition.

4. The Objector No. 1 Utility Users' Welfare Association filed its submissions/comments vide its email dated 09.09.2021 as under:

4.1. It is submitted that the Objector is an Association consisting of end users of electricity in the State of Gujarat. The Association's main activities are to safeguard the interest of end-users in the usage of utility services, an avowed objective of making the consumer 'proactive' as well as to create awareness regarding non-conventional energy sources like Solar, Wind, MSW, Bloom Energy etc. to protect environment.

4.2. It is submitted that the Hon'ble Supreme Court of India in Tinsukhia Electric Supply Co. Ltd. V. State of Assam (1989) the Constitution Bench of the Supreme Court held that electricity generated and distributed by the private undertakings constitute "*material resource of the community*" for the purpose and within the meaning of Article 39(b) of the Constitution. The Electricity (Supply) Act, 1948, therefore seeks to secure the material community resource of electricity in the hands of the State through the creation of public utility bodies as the State Electricity Boards. The intention of the legislature, while framing 1948 Act was to constitute autonomous bodies in the form of State Electricity Boards for ensuring efficient regulation of generation, transmission and distribution and determination of tariffs of this material resource of the community.

4.3. It is submitted that the Electricity Regulatory Act, 1998 and the present Electricity Act, 2003, mandates independent regulatory authority. However, the concept changed radically with the advent of reforms and enactment of the Electricity Regulatory Act, 1998 repealed by Electricity Act, 2003. This Act brought the substantial change in the manner in which the determination of tariff has to be made. It has not only took away the right of licensee or utility to determine the tariff, but also confirmed the said power on the Regulatory Commissions. This was done because the primary object of the 1998 Act is to create an independent regulatory authority with the power of determining the tariff, bearing in mind the interest of consumers whose rights are till now totally neglected.

4.4. Gujarat Electricity Industry (Reorganization and Regulation) act, 2003 and Electricity Act, 2003 also mandates hearing of consumers. In case of Gujarat State the State legislature enacted Gujarat Electricity Industry (Reorganization and Regulation) act, 2003, which under section 32(2)(d) and 32(7) and Section 61, 62 and 64 of Electricity Act, 2003 specially provided that while framing tariff the Commission shall be guided by three parameters, one of which is "*the interest of the consumers*"

4.5. The Commission has been obligated to bear in mind the interest of the consumers is also indicative of the fact that the Commission has to hear *the* consumers in regard to fixation of tariffs. The mandate of both the Parliament and the State Legislature in the above two Acts to the Commission is that the Commission should ensure transparency while discharging its functions and exercising its powers which also indicate that the proceedings of the Commission should be public which in itself, shows participation by interested persons.

4.6. It is submitted that all laws are effective or ineffective as the people for whom they are framed. The Great India has paid very heavy price for its people remaining *indifferent* about implementation of The Electricity (Supply) Act, 1948 and the new Electricity Act, 2003 leaving free field for the bonding of nexus of vested interests. It is submitted that people of this country should act urgently to be proactive and for this, members of the informed civil society have to play an important role. The Institution of democracy is not only for voting and then getting in to slumber but maintaining constant vigil over the action of institutions. Utility Users' Welfare Association very

strongly felt that this organization has an inescapable role at this juncture and decided with an avowed objective of making the consumer 'pro-active' so as to meet the need of the hour. This institution has observed with utmost sorrow that Gujarat Electricity Regulatory Commission is not fully appreciative of its responsibility and has not prepared a list of stakeholders till today from those who have participated or regularly participate in the public process during the last tariff proposals and should have invited them to send their suggestions by sending the separate letter apart from the general public notice as other ERCS in the country like DERC is doing so. Not only that but it is to state here with utmost sorrow that Commission has also not appointed any authorized consumers' representatives to respect Section 94(3) and 86(3) of Electricity Act, 2003 like CERC, MERC and other SERCS have done nor has made any regulations for it. UUWA reaches the conclusion that investor-owned utilities get away with minimum disclosure to escape legal pains but dodge responsibility of good corporate citizen.

4.7. It is submitted that the Association deliberated upon this issue in depth so as to be able to make suggestions of meaningful substance. It is submitted that through the Petition No.1875 of 2020 the Petitioner prayed to approve and make necessary direction by GERC with regard to the proposal of Gift Power Company Limited for modification in billing and metering arrangement of HTP-1 Consumers (as per GERC Supply Code, 2015) residing in the high rise buildings in its area of supply in context with Clauses 3.3, 9.21, 9.22, 9.23, 9.24 and 9.25 of GERC (Electricity Supply Code and Related Matters) Regulations, 2015 read with Section 50 of Electricity Act,

2003 and having elaborated the issue in depth in context with provisions of preamble of Electricity Act, 2003, Clause-35 of CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendment thereof, CEA (Installation & Operation of Meters) Regulations, 2006 and Amendments thereof, issued under Section 55 of the Electricity Act, 2003, relevant Sections of the said Act, Regulations and Rules made there under and the national tariff policy, UUWA, after examining the matter in great detail, submitted as under.

4.8. It is submitted that the Petition in question is an afterthought of the action already taken by the Licensee Gift Power Company Limited in total violation of GERC (Electricity Supply Code and Related Matters) Regulations, 2015 published as Notification No.4 of 2015 dated 22.09.2015, and it attracts the action against the responsible of the licensee under Sections 142, 146 and 149 read with Section 94, 128 of Electricity Act, 2003 read with Clauses 5.1,5.2,5.3, 5.4, 5.5 and Annexure-I of GERC (*Electricity Supply Code and Related Matters*) Regulations, 2015 read with Clause 12 (4), Clause 35, Clause 36, Clause 40, Clause 43, Clause 44 (2)(x), Clause 45, Clause 48, Clause 49 of CEA (*Measures relating to Safety and Electric Supply*) Regulations, 2010 and amendment thereof, CEA (*Installation & Operation of Meters*) Regulations, 2006 and Amendments thereof, issued under Section 55 of the Electricity Act, 2003.

4.9. The Petitioner has in fact prayed for the adaption/modification of the GERC (Electricity Supply Code & Related Matters) Regulations, 2015 and CEA (Measures relating to Safety and Electric Supply)

Regulations, 2010 and amendment thereof, CEA (Installation & Operation of Meters) Regulations, 2006 and Amendments thereof, issued under Section 55 of the Electricity Act, 2003 for Gift Power Company Ltd. The reasons put forward by GPCL-licensee is a space constrain and has put the transformers in the basement of the building with distribution panel and meters in the basement. Not only that it is not made clear that the installations of transformers, distribution panel, ELCB, MCB, cut outs, CBs are in compliance with the provision of CEA Regulations and is certified and approved by office of the Chief Electrical Inspectorate, State of Gujarat.

4.10. The Clause 12 (4) of CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 contemplates that "All electrical equipment shall be installed above the Mean Sea Level (MSL) as declared by local Municipal Authorities and where such equipment is to be installed in the basement, consumer shall ensure that the design of the basement should be such that there is no sea page or leakage or logging of water in the basement." The licensee has not made this issue clear from the concerned authorities and not produced any evidence that the design of the basement where the transformers and other distribution panel, ELCB, MCB, cut outs, CBs etc. are installed are above the Mean Sea Level (MSL) as required by CEA Regulations referred herein.

4.11. The Clause 5.1 of GERC (Electricity Supply Code & Related Matters) Regulations, 2015 envisages as under.

Wiring on Consumer's Premises

5.1 The work of wiring at the premises of the consumer shall be carried out by a Licensed Electrical Contractor and conform to the standards specified in Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 and amendments thereof. The material used for wiring shall comply with or be superior to the standards laid down by the Bureau of Indian Standards. All multi-storied buildings, having a height of more than 15 meters from ground level, shall also comply with Clause 36 of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 and amendments thereof. Wiring shall be tested as per provisions of Clause 31 of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 and amendments thereof.

4.12. The Clause 36 of CEA (Measures relating to Safety and Electricity Supply) Regulations, 2010 contemplates that:

"…….

36. Provisions for supply and use of electricity in multi-storied building more than 15 meters in height:-

(1) The connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector for a multi storied building of more than fifteen meters height shall be notified by the Appropriate Government.

(2) Before making an application for commencement of supply or recommencement of supply after an installation has been

disconnected for a period of six months or more, the owner or occupier of a multi storied building shall give not less than thirty days notice in writing to the Electrical Inspector specify therein the particulars of installation and the supply of electricity shall not be commenced or recommenced within this period, without the approval in writing of the Electrical Inspector.

(3) The supplier or owner of the installation shall provide at the point of commencement of supply a suitable isolating device with cut-out or breaker to operate on all phases except neutral in the 3-phase, 4-wire circuit and fixed in a conspicuous position at not more than 1.70 meters above the ground so as to completely isolate the supply to the building in case of emergency.

(4) The owner or occupier of a multi-storied building shall ensure that electrical installations and works inside the building are carried out and maintained in such a manner as to prevent danger due to shock and fire hazards, and the installation is carried out in accordance with the relevant codes of practice.

(5) No other service pipes and cables shall be taken along the ducts provided for laying power cables and all ducts provided for power cables and other services shall be provided with fire barrier at each floor crossing.

....”

4.13. The Clause 31 of CEA (Measures relating to Safety and Electricity Supply) Regulations, 2010 contemplates that:

"31. Testing of consumer's Installation.-

(1) Upon receipt of an application for a new or additional supply of electricity and before connecting the supply or reconnecting the

same after a period of six months, the supplier shall either test the installation himself or accept the test results submitted by the consumer when the same has been duly signed by the Electrical Contractor.

(2) The supplier shall maintain a record of test results obtained at each supply point to a consumer, in a Schedule-V.

(3) If as a result of such inspection and test, the supplier is satisfied that the installation is likely to be dangerous, he shall serve on the applicant a notice in writing requiring him to make such modifications as are necessary to render the installation safe and may refuse to connect or reconnect the supply until the required modification have been completed.

....”

4.14. The Clause 6.2 of GERC (Electricity Supply Code & Related Matters) Regulations, 2015 envisages as under:

“6.2 For LT loads Linked Switch with fuse or Miniature Circuit Breakers (MCBs)/ ELCB/ Cut Out and for HT/ EHT loads Linked Switch with fuse or Circuit Breakers (CBs) in accordance with Clause 35 of CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendments thereof, of appropriate rating as well as specifications shall be installed by the consumer.”

4.15. The Clause 35 of CEA (Measures relating to Safety and Electricity Supply) Regulations, 2010 contemplates that:

“……

35. Supply and use of electricity.-:

(1) The electricity shall not be supplied, transformed, converted, inverted or-used or continued to be supplied, transformed, converted, inverted or used unless the conditions contained in sub-regulations (2) to (8) are complied with.

(2) The following controls of requisite capacity to carry and break the current shall be placed as near as possible after the point of commencement of supply so as to be readily accessible and capable of being easily operated to completely isolate the supply to the installation, such equipment being in addition to any equipment installed for controlling-individual, circuits or apparatus, namely:-

(i) a linked switch with fuse or a circuit breaker by consumers of voltage which does not exceed 650 V;

(ii) a linked switch with fuse or a circuit breaker by a consumer of voltage exceeding 650 V but not exceeding 33 kV having aggregate installed transformer or apparatus capacity up to 1000 KVA to be supplied at voltage up to 11 kV and 2500 KVA at higher voltages (above 11 kV and not exceeding 33kV);

(iii) a circuit breaker by consumers at voltage exceeding 650 V but not exceeding 33 kV having an aggregate installed transformer and apparatus capacity above 1000, KVA and supplied at voltage upto 11 kV and above 2500KVA at higher voltages (above 11 kV and not exceeding 33KV);

(iv) a circuit breaker by a consumer of voltage exceeding 33 kV. Provided that where the point of commencement of supply and the consumer apparatus are near each other, one

linked switch with fuse or circuit breaker near the point of commencement of supply shall be considered sufficient.

(3) In case of every transformer the following shall be provided; namely: -

(i) on primary side for transformers a linked switch with fuse or circuit breaker of adequate capacity:

Provided that the linked switch on the primary side of the transformer may be of such capacity as to carry the full load current and to break only the magnetizing current of the transformer:

Provided further that for all transformers:

(a) having a capacity of 5000 KVA and above installed before year 2000; and

(b) having capacity 1000 KVA and above installed in or after the year 2000, a circuit breaker shall be provided:

Provided also that the linked switch on the primary side of the transformer shall not required for the unit auxiliary transformer and generator transformer,

(ii) in respect of all transformers installed in or after the year 2000, on the secondary side of all transformers a circuit breaker of adequate rating shall be installed:

Provided that for suppliers' transformers of capacity below 1000 KVA, a linked switch with fuse or circuit breaker of adequate rating shall be installed on secondary side.

(4) Except in the case of composite control gear designed as a unit each distinct circuit is to be protected against excess energy by means of suitable cut-out or a circuit breaker of adequate

breaking capacity suitable located and so constructed as to prevent danger from overheating, arcing or scattering of hot metal when it comes into operation and to permit for ready renewal of the fusible metal of the cut-out without danger.

(5) The supply of electricity to each motor or group of motors or other apparatus meant for operating one particular machine shall be controlled by a suitable linked switch or a circuit breaker or an emergency tripping device with manual reset of requisite capacity placed in such a position as to be adjacent to the motor or a group of motors or other apparatus readily accessible to and easily operated by the person in charge and so connected in the circuit that by its means all supply of electricity can be cut off from the motor or group of motors or apparatus from any regulating switch, resistance of other device associated therewith.

(6) All insulating materials shall be chosen with special regard to the circumstances of their proposed use and their mechanical strength shall be sufficient for their purpose and so far as is practicable of such a character or so protected as to maintain adequately their insulating property under all working conditions in respect of temperature and moisture; and

(7) Adequate precautions shall be taken to ensure that no live parts are exposed as to cause danger.

(8) Every consumer shall use all reasonable means to ensure that where electricity is supplied by a supplier no person other than the supplier shall interfere with service lines and apparatus placed by the supplier on the premises of the consumer.

……"

4.16. Clauses 4.105, 4.106 and 4.107 of GERC (Electricity Supply Code & Related Matters) Regulations, 2015 read with Clauses 12,31,35,36,40, 42,43,44 (2)(x),45, 48 and Clause 49 of CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendment thereof, CEA (Installation & Operation of Meters) Regulations, 2006 and Amendments thereof, issued under Section 55 of the Electricity Act, 2003, does not allow the act of the GIFT Power Co. Limited, the licensee to install the common transformer for all the consumers and distribution of electricity from the bus bar to the different consumers of EHT, HT and LT with the installation of meters in the basement as it is the violation of GERC and CEA Regulations stated supra considering the provision of Safety of supply and danger involved in the system. The above referred GERC and CEA regulations are made after a deep consideration of safety after inviting the views, suggestions and comments of all the stakeholders which GERC cannot adapt/modify for GIFT PCL to facilitate them as per their will and desire considering the space constrain. Every consumer EHT, HT, LT and others are facing and experiencing space constrains because of the high land and high property value prevailing in the market at the relevant time of installation of the connection.

4.17. Further, the amended Memo of Parties in the current petition that other Distribution Licensees are made parties including GETCO, SLDC. However, Chief Electrical Inspector, State of Gujarat and CEA are not made party to this petition. It is suggested that Chief Electrical Inspector and CEA should be made party to this petition so that the proposal of the GIFT Power Company Limited, as licensee as prayed

in the present petition is in confirmation and in consistent with the various provision made in the Electricity Act, 2003, Regulations made by GERC, CEA, Rules and other prevailing law of the land as far as the issues of safety and danger of human lives and property are greatly involved and is going to effect if the prayer is granted in this Petition.

4.18. It is submitted that the example quoted by GIFT PCL is distinct and different than the present case. It is the case of individual consumers and is historic and cannot be considered as the base to grant the present proposal of the licensee. There is no such type of case where the common transformer is installed in the basement with bus bar, distribution panel, meters, safety switches, ELCBS, CBs etc. are not installed at the consumer's premises and not by consumer but by the licensee as provided in the GERC, CEA Regulations referred supra.

4.19. However, the Commission is requested to call for the following details and evidence in view of the facts that it is not provided by the Petitioner in the said petition.

(a) The Building Use Permission by the concerned authority where in it is approved that the power sub-station to cater the electricity to the consumers/occupier/owner of GIFT buildings will be constructed in the basement and also shown in the building plans approved before commencement of construction of each towers by the appropriate authentic authority of Govt. of Gujarat. If GIFT PCL has received such permission, the details of plans approved and such approval of installation of sub-station, transformers and other apparatus in the basement is approved.

(b) What is the capacity of transformers and what is the quantity of transformers is to be or is installed in the basement, what is the type of cooling system is used by the manufacturers of transformers i.e. Oil cooled or Air Cooled. What is the input power in KVA and what is out put Voltage ?

(c) That as per GERC (Electricity Supply Code & Related Matters) Regulations, 2015 and CEA Regulations stated supra, the consumer has to provide the space for the sub-station and the cost of transformer and other ELCB, CBs and other safety items is required to be purchased by the consumers subject to approval by the distribution licensee. In the present case, the transformer and space and other safety instruments like ELCB, CBS, ECBs etc. are installed by the licensee at his cost and risk. The Commission may call for the details of ARR of the licensee GIFT PCL that such capital investment is not loaded in the ARR which will increase the tariff and other small consumers other than LT and HT, like RGP, Non-RGP, GLP will have to pay the cost incurred for LT/EHT and HT consumers which is not fair and will cause injustice to them.

(d) The details and documents submitted and the permission granted regarding approval of installation of sub-station, transformers, bus-bars, ELCBS, ECBS, CBs, meters etc. by the office of the Chief Electrical Inspector of State of Gujarat may be called for from either the licensee or from the Office of the Chief Electrical Inspector, State of Gujarat to verify whether the installation of sub-station, transformers etc. in the basement is

in compliance and is in confirmation of the GERC, CERC and CEA Regulations.

(e) The no objection certification (NOC) from the concerned fire department for use of buildings particularly high rise around 30 floors with such sub-station with heavy transformers in the basement is obtained? Because in case of fire what will be alternative arrangement to bring down the people working at the high top floors and particularly lifts will be closed due to power disconnection? Is there any arrangement to see that the people working on 4th floor and up, to bring them down in case any hazards like fire, cyclone etc.?

(f) Is there any evidence on record that the basement is high sea level to prevent the rain water to go in the basement in case of high rain and flooding situation? And other natural calamities like cyclone, earth quack, flood and sudden power failure to the licensee? And is there any provision of safe transformation/evacuation of the human being/people from such high rise height and important property in such cases?

4.20. It is therefore submitted that in view of the above legal position, the petition and prayer made therein, is totally violative of GERC and CEA Regulations, provisions of Electricity Act, 2003, Rules made thereunder and cannot be granted as proposed as there is no safety of the consumers and its property looking to the danger involved in supply of electricity as proposed and as being supplied to the various consumers of Gift City including GERC itself. The petition, therefore, is

not admissible and maintainable and is liable to be dismissed at threshold.

4.21. It is submitted that the licensee GIFT PCL has referred to the provision of GERC (Electricity Supply & Related Matters) Regulations, 2015 viz., Clauses 2.3, 3.2, 3.3, 9.21 to 9.25.

4.22. The Clause 2.3 of GERC (E.S.& R.M.) Regulations, 2015 provides the clarification by defining the special technical words used in Regulations framed under Electricity Act, 2003. (18) Consumer (32) Extra High Voltage (37) High Tension or HT/High Voltage (44) Low Tension or LT/Low Voltage (52) Point of Supply.

4.23. It is submitted that the point of supply: Defined as refers to, unless otherwise agreed to, the incoming terminal of the cut-out installed by the consumer, i.e. Meters/switches installed at the Consumer's Premises in case of LT Consumers; Distribution box installed on transformer centre / substation established on Consumer's premises, when meter is installed on such a transformer centre/ substation. Control switchgears that may be installed in the Consumer's Premises as provided subject to provision of this code in case of HT and EHT Consumers.

4.24. In the present case, the licensee does not respect this point of supply and wants to change the point of supply not at the premises of consumer, but quite far from the consumer's premises at its ease and convenient which is in violation of Clauses 4.105, 4.106, 4.107, 4.108 and 4.109 of GERC (E.S.& R.M.) Regulation, 2015.

4.25. The various tariff category for different type of consumers in context with the electricity supply they receive from licensee as per purpose of use and voltage is determined and defined by GERC in its tariff orders as per provision of Clause 3.10 of GERC (E.S. & R.M.) Regulation, 2015 which reads as under.

> *"Classification of Consumers 3.10: Distribution Licensee may classify and reclassify consumers into various Tariff Categories from time to time as may be approved by the GERC and announce the different Tariffs for different classes of Consumers with the approval of GERC. No additional category other than those approved by GERC shall be created by the Distribution Licensee."*

4.26. In the present case, the licensee has changed and proposed to change the classification of HT consumer in LT consumer category without the permission and approval of GERC which is in violation of GERC tariff Orders, GERC and CEA Regulations which is bad in law.

4.27. It is submitted that GERC is required to change the definition of point of supply the consumer, EHT/HT/LT and classification and tariff thereto in GERC Regulations and CEA Regulations as well. Commission has got power under Section 181 to make a Regulations to amend the Electricity Supply Code Regulations but has no power to amend the CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendment thereof, CEA (Installation & Operation of Meters) Regulations, 2006 and amendments thereof, issued under Section 55 of the Electricity Act, 2003.

4.28. The Petitioner has quoted Clauses 3.2, 3.3 of GERC (E.S.& R.M.) Regulations, 2015 which contemplates that "3.3 The 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 clause 3.2 of this Code, subject to the Commission's approval."

4.29. In this regards, it is submitted that Clause-3.3 of GERC (E.S.& R. M.) Regulations, 2015 cannot be read in isolation with Clause 3.1 of the Code which contemplates that "The licensee shall supply power within the frequency band specified in the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 and GERC (Gujarat Electricity Grid Code) Regulations, 2013 and amendment thereof. At the point of commencement of supply, except with written consent of the consumer or with the previous sanction of the Commission, a supplier shall not permit the voltage to vary from the declared voltage more than the limit specified by CEA from time to time."

4.30. The licensee GIFT PCL who has been granted the license vide Order dated 06.03.2013 for distribution of electricity in GIFT city and is the 100% subsidiary company of Gujarat International Finance Tec-city Company Limited (GIFTCL), who has been given this task of developing the Gift city. As a developer, it is responsibility of the developer to make the provision of the space required for electricity installation to the consumers/occupier/owner of the premises as per the provisions of Electricity Act, 2003, Regulations, Rules made thereunder. Here, GIFT Power Company Limited and GIFTCL both are

the same entity, and it is the negligence of the GIFTCL and GIFT PCL not to make the provision of sufficient space required for electricity installation at the consumers/occupiers/owners premises, and now by the way of this Petition, they want to adapt/modify the Regulations which is framed for the safety of human being and safety and preservation of property of the consumers/occupier/owner of the premises, cannot be granted by Commission in the public interest. The GERC is not empowered under any provision of law to modify CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendment thereof, CEA (Installation & Operation of Meters) Regulations, 2006 and amendments thereof, issued under Section 55 of the Electricity Act, 2003. Even GERC (E.S. & R.M.) Regulations, 2015 is also interlinked with it and is based on the CEA Regulations.

4.31. Clauses 9.21 to 9.25 of GERC (E.S.& R.M.) Regulations, 2015 which reads as Power of Relaxation and Power to Remove Difficulties.

> "*9.21 The Commission may, in public interest and for reasons to be recorded in writing, relax any of the provision of this Code."*

In this regard, it is submitted that the prayer of the Petitioner is not at all in the interest of the public, it looks against the public interest and Commission cannot grant any relaxation where such relaxation granted can affect the safety and security of human being as well as the movable property of the consumers.

> *"9.22 If any difficulty arises in giving effect to any of the provisions of this Code or there is a dispute regarding interpretation of any*

provision, the matter may be expeditiously referred to the Commission. The Commission shall pass necessary orders after consulting the parties concerned, provided that the Commission may refuse to entertain the reference filed beyond 3 months' delay without sufficient cause."

In this regard, it is to clarify that this is not a dispute regarding the interpretation of any provision of Supply Code and there is no difficulty in giving the effect to any provisions of this Code, if so other distribution licensee in the State of Gujarat having more than 4 crores of consumers may also face the same problem what the GIFT PCL is facing. Therefore, there is no question of passing necessary Order in this regard to grant the prayers of the petitioner.

"*Savings of inherent power of the Commission.*

9.23 Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Gujarat Electricity Regulatory Commission to make such orders as may be necessary for ends of justice to meet or to prevent abuses of the process of the Commission.

9.24 Nothing in this Code shall bar the Gujarat Electricity Regulatory Commission from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of this Code, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.

9.25 Nothing in this Code shall, expressly or impliedly, bar the Gujarat Electricity Regulatory Commission dealing with any matter or exercising any power under the Act for which no Codes have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit."

In this regard, it is to clarify that the correctness of the interpretation of exercising the inherent power vested under Clause 80 to 85 of GERC (Conduct Of Business) Regulations, 2004 read with the enabling provisions of Electricity Act, 2003 read with other enabling provisions of laws of the land have come for test before the Hon'ble Supreme Court in the Civil Appeal No.6399 of 2016 in which the Commission is also one of the Respondent and the issue involved is also the similar. (i.e. 100% matching of ratio of judgment).

4.32. The Hon'ble Supreme Court in its judgment dated 25.10.2017 in the above referred Civil Appeal No.6399 of 2016 GUVNL Vs. Solar Semiconductor Power Company (India) Pvt. Ltd. has made it crystal clear that exercise of such inherent power vested under Clause-80 to 85 of GERC (Conduct of Business) Regulations, 2004, which is akin to Section 151 of CPC 1908 which does not empower the Commission exercise the inherent powers to review/alter/change its decision. It is only meant to regularize the legal procedural lacuna.

4.33. In view of above clarification and judgment of Hon'ble Supreme Court of India, it is clear that Commission cannot have any such powers under the guise of relaxation and inherent powers to favor the

licensee where the safety and security of the consumers/occupiers/owner is involved and is at high risk.

4.34. It is submitted that the basement which is provided in the each multi storied building of GIFT towers may be for parking of the vehicles and is being used for installation of transformers in the form of sub-station is not fair.

4.35. It is submitted that the use of electricity at voltage exceeding 650 Volts. Clause 44(2)(vi) of CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendment thereof contemplates that "*a sub-station or a switching station with apparatus having more than 2000 liters of oil SHALL not be located in the basement where proper oil draining arrangement cannot be provided*"

4.36. In view of the above legal position, the prayer of the Petitioner GIFT PCL cannot be granted and hence, the Petition is required to be rejected inlime.

4.37. It is submitted that the Office of the Commission is also situated at GIFT City, Gandhinagar. If the point of supply and other installation of safety apparatus like transformers, meters, ELCB, MCS, CBs are installed in the basement, than it is a gross violation of Regulations of GERC, CEA and CERC which is required to be legalized as provided in the GERC, CEA Regulations. The consumer category is also required to be checked whether HT is considered as LT and billed accordingly. The energy meter which is installed is whether as per CEA (Installation & Operation of Meters) Regulations, 2006 and

Amendments thereof, issued under Section 55 of the Electricity Act, 2003.

4.38. The Objector Utility Users' Welfare Association prayed to grant the following prayers.

(a) To condone the delay in filing the submission because of Corona pandemic as the members who are to prepare this substantial submission are under post covid treatment.

(b) To dismiss the petition as the prayers made in it are in gross violation of GERC (Electricity Supply & Related Matters) Regulations, 2015, CEA (CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendment thereof, CEA (Installation & Operation of Meters) Regulations, 2006 and Amendments thereof, issued under Section 55 of the Electricity Act, 2003. The Hon'ble Commission cannot exercise the powers of relaxation and inherent powers to remove the difficulty as described and mentioned by the petitioner in view of the judgment of Supreme Court of India stated supra which is binding to this Commission.

(c) The Regulations of GERC, CERC and CEA is required to be suitably amended and reframed by each Authority namely GERC, CEA and CERC, if the prayer of petitioner is to be granted.

(d) To initiate the punitive action under Section 142, 146 and 149 of the Electricity Act, 2003 for violation of GERC, CEA and CERC Regulations if the supply to the consumers as described by the

licensee petitioner is commenced to the consumers/occupier/owners of the premises of GIFT City.

(e) To inquire under Section 128 and 94 of the Electricity Act, 2003 whether all the connections/installations which are at present given to the consumers of GIFT city is in compliance of the GERC, CEA, CERC Regulations or otherwise. The inspection is also requested of the installations of the present consumers of the licensee by office of the Chief Electrical Inspector, State of Gujarat as it involves the issues of safety and security of human being and the movable property of the occupiers/consumers/owners.

(f) To make Chief Electrical Inspector and Central Electricity Authority (CEA) as a party respondent to this petition to meet the end of justice.

(g) To call for the details, documents and approval from the concerned authorities as requested in Para-2.12 (a) to (f).

(h) To allow any addition/alternation/removal of submission if situation so warrant of course with the kind permission of the Commission.

(i) To grant any other relief Commission may deem fit in the interest of the justice.

5. The Objector No. 2 Users Welfare Association, filed its submission/comments vide its letter dated 30.09.2021 as under:

5.1. ગીફ્ટ પાવર કંપનીએ નામદાર જર્કની મંજુરી પૂર્વ ૩૫૦ KW એલ.ટી. સપ્લાય આપી HT બિલીંગ કરેલ છે. જે ઈ.એ. ૨૦૦૩ નાં સેક્સન ૧૪૨, ૧૪૬ અને ૧૪૯ મુજબ અપરાધ બને છે જે મુજબ આ લાયસન્સી વિરુદ્ધ કાર્યવાહી કરવા વિનંતી છે . જો આવી કાર્યવાહી આ લાયસન્સી વિરુદ્ધ કરવામાં નહિ આવે તો લાયસંસીઓ ઉપર નામદાર જર્કનું કન્ટ્રોલ અને ગરિમા જળવાતી નથી તેવો મેસેજ ગ્રાહકો માં જશે માટે આ લાયસન્સી સામે કાર્યવાહી કરવા અમારી ખાસ વિનંતી છે.

5.2. હાલમાં LTMD કન્ઝ્યુમર માટે વધુમાં વધુ ૧૦૦ KW જોડાણ આપવાની જોગવાઈ છે ગીફ્ટ સિટી હાઈરાઈસ બિલ્ડીંગમાં ગ્રાહકની જરૂરીયાત ૪૦૦ KW સુધીની હોવાથી તે માટે લાગુ પડતી HT ટેરીફ મુજબ પોતાના ટ્રાન્સફોર્મસ લગાવવાની જગ્યાનો પ્રશ્ન ઉપસ્થિત થયેલ છે જેથી આ કનેક્સન લાયસન્સી દ્વારા પોતાના ૩૩ / ૦.૪૩૩ KV નાં ટ્રાન્સફોર્મર દ્વારા આપેલ છે જેનાથી ગ્રાહકોએ હાઈરાઈસ બિલ્ડીંગમાં જગ્યાના અભાવે પોતાના અલગ અલગ ટ્રાન્સફોર્મસ લગાવવાની જરૂર ન પડે અને ગ્રાહકોએ ટ્રાન્સફોર્મર લગાવવા માટેની પ્રોબ્લમ સોલ થઇ શકે છે. તેથી આવા જોડાણ માટે LTMD ની મર્યાદા ૧૦૦ KW થી વધારી ૪૦૦ KW કરવી જોઈએ અને તેની નવી હાયર LTMD નું અલગથી ટેરીફ નક્કી કરી શકાય છે પણ આવા જોડાણ LTMD હોવાથી તેના માટે HTP કેટેગરીનું બિલીંગ કરી શકાય નહિ કે આવી મંજુરી આપી શકાય નહિ એવી અરજ છે.

5.3. 33 KV /0.433 KV નાં ટ્રાન્સફોર્મર્સ બેઝમેન્ટમાં લગાવેલ હોવાની રજૂઆત કરેલ છે આવા ટ્રાન્સફોર્મર જે બિલ્ડીંગોમાં લગાવેલ હોય તે તમામનાં ઈલેક્ટ્રીકલ ઇન્સ્પેકટરના મંજુર કરાવેલા પ્લાન તેમજ ટ્રાન્સફોર્મરની NOC રજુ કરાવવી તેમજ તપાસવી જરૂરી બને છે જેથી કરીને તેમના દ્વારા વીજ સલામતી માટેના C E A (Measuresrelating to Safety and Electric Supply) Regulations, 2010 અને તેના સુધારાઓનું પાલન કરેલ છે કે નહિ? તેની ખાતરી થઇ શકે. ઉપરોક્ત તમામ નકલ અમોને પણ લાયસન્સી પાસેથી અપાવવા અરજ છે.

5.4. ગુજરાત રાજ્યમાં નામદાર જર્ક દ્વારા દરેક લાયસન્સીને વીજળી વિતરણ અને ટ્રાન્સમિશનમાં થતા લોસીસ ટેરીફ પીટીસનમાં મજરે આપવામાં આવે છે. તે મુજબ ગીફ્ટ પાવર કમ્પનીને પણ T & D લોસીસ ટેરીફમાં મજરે આપવામાં આવે છે તેથી ટ્રાન્સફોર્મર લોસીસ તરીકે ગ્રાહકો પાસેથી અન્ય કોઈ ચાર્જીસની મંજુરી આપવાનો પ્રશ્ન રહેતો નથી લાયસન્સી દ્વારા વીજ વિતરણ અને ટ્રાન્સમીશન સીસ્ટમ માટેના ખર્ચ માટેની લોન તેમજ તેનું વ્યાજ પણ ટેરીફમાં મજરે આપવામાં આવે છે. લાયસન્સીને ડેપ્રીસીએશન અને રીટર્ન ઓફ ઇક્વિટી પણ નક્કી કરેલ છે તેમજ ટેરીફ પીટીસનમાં મંજુર કરવામાં આવે છે તેથી પોતાની રીતે અન્ય કોઈ પણ પ્રકારના ચાર્જીસ ગ્રાહકો પાસેથી વસુલવાની બાબત લાયસંસીએ ઉપસ્થિત ન કરવી જોઈએ અને ઉપસ્થિત કરે તો તેને માન્ય રાખી શકાય નહિ એવી રજૂઆત છે.

5.5. ભારતમાં સ્ટેટ પ્રમાણે સ્ટેટ રેગ્યુલેટરી કમિસનની સ્થાપના થયેલ છે દરેક રેગ્યુલેટરી કમીસને પોતાના રાજ્યમાં વીજળીનાં જનરેશન, વિતરણ, ગ્રાહકો અને ગ્રાહકોની જરૂરિયાતોને ધ્યાનમાં લઇ કાયદાઓ ઘડેલા છે તેમજ ચાર્જીસ મંજુર કરેલા છે. નામદાર જર્ક દ્વારા ટેરીફમાં લાયસંસીના તમામ ખર્ચ અને ઇન્વેસ્ટમેન્ટ પાવર લોસીસ કેપિટલાઈઝેશન, લોન અને તેના વ્યાજ જેવી તમામ બાબતને ધ્યાનમાં લઈ ARR નક્કી કરી આપે છે તેથી તે સિવાયની અન્ય રાજ્ય કમીસને નક્કી કરેલી ટેરીફ ગુજરાતમાં પણ લાગુ કરવી તે જરૂરી રહેતી નથી એવી અમારી નમ્ર રજૂઆત છે. અત્રે ફક્ત ટ્રાન્સફોર્મરની જગ્યાના અભાવે ૪૦૦ KW સુધી LTMD બેઝ કનેક્સન માટેની મંજૂરીનો પ્રશ્ન ઉપસ્થિત થયેલ છે જેના માટે ફક્ત અલગ ટેરીફ કેટેગરી નક્કી કરવાની રહે છે તે સિવાય લાયસન્સીએ માંગણી કરેલ અન્ય કોઈ ચાર્જીસની મંજુરી આપવાની જરૂર રહેતી નથી એવી રજૂઆત છે.

6. In response to the submissions/ comments of the Users' Welfare Association, the Petitioner GIFTPCL has filed its reply vide letter dated 27.10.2021 as under:

6.1. It is submitted that as per Section 43 of the Electricity Act, 2003, every distribution licensee must adhere to Universal Service Obligation. Further, LT supply has been provided on consumer's request and for only those who have occupied more than one floors in high-rise buildings. Hence, GIFTPCL has followed Section 43 of the Electricity Act, 2003 (i.e., 'Duty to supply on request'). Also, GIFTPCL has represented the supply issues in last two Tariff Petitions and the

Commission gave directions to file a separate Petition. Accordingly, GIFTPCL have filed a Petition.

6.2. The Proposal by M/s Users Welfare Association for incorporating a new Tariff Category named 'Higher LTMD' for contract demand from 100 KW to 400 KW may be considered and GIFT Power Company doesn't have any issue/objections with the proposal.

6.3. The Petitioner confirmed that all the transformers and allied equipments installed in the building basement are approved by 'Office of the Chief Electrical Inspector' and are complying with CEA (Measures relating to Safety and Electrical Supply) Regulations. Also, GIFTPCL releases the power connection only after attaining the approval from Chief Electrical Inspector and after necessary compliances.

6.4. The Petitioner recovers the Transformer Losses for only the consumers who have been provided LT supply instead of HT supply due to space constraints. In any case the recovery of losses for such consumers don't reflect in HTP-1 Tariff Category, as for LTMD Category the Energy Charges recovered are Rs. 4.60/unit whereas the Energy Charges recovered for HTP-1 category are Rs. 4.00/unit for billing demand up to 500 KVA. Therefore, considering the recovery of losses by GIFTPCL for such specific consumers, the energy charges are accounted at Rs. 4.20/unit which is quite less in comparison to LTMD Category Tariff.

6.5. As there are no significant high-rise buildings and similar pertaining issues in Gujarat, GIFTPCL has just given a reference while

formulating a methodology and has not approached to implement other State Commission's Order in Gujarat. However, the Commission may approve any of the methodologies proposed in the Petition No. 1875/2020 or may incorporate a separate new tariff category as 'Higher LTMD', by considering merits of the case and at its sole discretion

7. In response to the submissions/comments of the Utility Users' Welfare Association, the Petitioner GIFTPCL has filed its reply vide letter dated 05.02.2022 as under:

7.1. It is submitted that as per Section 43 of the Electricity Act, 2003, every distribution licensee must adhere to Universal Service Obligation. Further, LT supply has been provided on consumer's request and for only those who have occupied more than one floors in high-rise buildings. Hence, Petitioner has followed Section 43 of the Electricity Act ,2003 (i.e., 'Duty to supply on request'). Also, Petitioner has represented the supply issues in FY 2018-19, FY 2019-20 Tariff Petitions and the Commission gave directions to file a separate Petition. Accordingly, Petitioner have filed this Petition.

7.2. The Building Developer installs Dry Type Transformers in the basement of building as per the provisions of Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 and Gujarat Fire Prevention and Life Safety Measures Act, 2013. All the Dry Type Transformers installed in basement are approved by 'Office of the Chief Electrical Inspector'.

7.3. The Petitioner confirmed that all the electrical equipments are installed above the Mean Sea Level (MSL) as declared by municipal authority and are therefore complying with Clause 12 (4) of CEA (Measures relating to Safety and Electricity Supply) Regulations-2010. All the Utility Plans are approved by respective Urban Development Authority as per GIFT Development Control Regulations. Accordingly, Chief Electrical Inspector gives charging permissions after successful audit of the parameters as per Regulations.

7.4. The Petitioner adheres to Clause 5.1 (Wiring on Consumer's Premises) of GERC (Electricity Supply Code & Related Matters)-2015, as all the multi-storied buildings having a height of 15 meters from ground level are complying with Clause 36 of CEA (Measures relating to Safety and Electricity Supply) Regulations-2010 and its amendments.

7.5. Further, the Petitioner confirmed that all the provisions mentioned in Clause 36 (Provisions for supply and use of electricity in multi-storied building more than 15 meters in height) of CEA (Measures relating to Safety and Electricity Supply) Regulations-2010 and its amendments are complied and based on these compliances itself, Chief Electrical Inspector provides approval for various electrical equipments after due inspection.

7.6. The Petitioner conducts periodic testing of consumer's installation and releases power connection after submission of test reports of each supply point as per provisions mentioned in Clause 31 (Testing

of Consumer's Installation) of CEA (Measures relating to Safety and Electricity Supply) Regulations, 2010 and its amendments thereof.

7.7. The Petitioner adheres to all provisions mentioned in Clause 6 of GERC (Electricity Supply Code & Related Matters) Regulations, 2015, as all the meters installed at consumer's location and are complying with Clause 35 of CEA (Measures relating to Safety and Electricity Supply) Regulations, 2010 and its amendments.

7.8. The Petitioner confirms that all the provisions mentioned in Clause 35 (Supply and use of electricity) of CEA (Measures relating to Safety and Electricity Supply) Regulations, 2010 and its amendments are complied and based on these compliances itself, Chief Electrical Inspector provides approval for various electrical equipments after due inspection.

7.9. It is submitted that the Association has misinterpreted the submissions made in our Main Petition. However, it is submitted that each and every high-rise building have installed 33/0.415 KV dry type transformers in building basement and electricity is supplied from bus trunking system arrangement to all the consumers residing in respective building itself whereas the Consumer Meters are installed floor-wise separately for each consumer. This Power Distribution Arrangement is as per CEA Regulations and is referred to as the One of the Best Practices for supplying electricity in High-Rise Buildings by considering various safety Rules/Regulations.

7.10. It is submitted that the Association has suggested to make Chief Electrical Inspector and CEA as a Party/Respondent to this Petition.

The Commission may consider the request if needed. However, it is submitted that the Petitioner has not violated any Regulation/ Provisions/Safety Aspects as per CEA and GERC Rules.

7.11. The Association has misinterpreted in understanding the Power Distribution Arrangement of Petitioner's Licensee Area. However, it is submitted that just a 33 KV HT supply is provided till the basement of the building and further it is the responsibility of respective developer/consumer to establish its own internal power distribution network of buildings which includes 33/0.415 KV Dry Type Transformers with allied equipments and bus bar trunking systems. The internal power distribution network scheme including layouts and drawings are approved by Petitioner after feasibility check. Also, each and every floor of high-rise buildings has a separate meter room in which Petitioner only installs an Energy Meter and terminates with the existing bus duct and rest all the required infrastructure is created by Developer/Consumer.

7.12. It is submitted that the Association has requested to provide various other information and the same is submitted by Petitioner below:

(i) The General Development Control Regulations of GIFT City Area is notified by Government of Gujarat, and these Regulations permit the Developers to use Basement for Services of Utilities like air-conditioning equipments, electric sub-station, pump room, fire hydrants, water tank, garbage room/collection point, electric meter room and parking spaces etc. Based on these Regulations itself, Building Use Permission is provided by respective Urban Development Authority.

(ii) There are multiple high-rise buildings in Petitioner's licensee area and all the transformers installed in basement are 'Dry Type Transformers'. The Transformer Capacity hovers from 1000 KVA to 2000 KVA with Voltage Ratio of 33 KV/0.415 KV. As the installed Transformers are 'Dry Type' they are referred as 'Air Cooled' transformers.

(iii) The Petitioner confirms that, transformers, ELCB, CBs and other allied equipments are purchased and installed by Developers itself with prior approval of Petitioner. The Petitioner just provides supply at 33 KV till the basement of the building and doesn't install any electrical equipments for Developers. Therefore, the Association has misinterpreted in understanding that the transformers and other allied equipments are being installed by Petitioner in building basement with own cost and risk.

(iv) The Petitioner confirms that all the transformers and allied equipments installed in building basement are approved by 'Office of the Chief Electrical Inspector' and are complying with CEA (Measures relating to Safety and Electricity Supply) Regulations-2010 and its amendments. Also, Petitioner releases the power connection only after attaining the approval from Chief Electrical Inspector and after necessary compliances.

(v) The Urban Development Authority issues Building Use Permission after receiving NOC from concerned fire

department and after other necessary compliances. All the alternative arrangements have been made by Developers for safe evacuation of people working in top floors if hazards like fire, cyclone etc. takes place. The alternative arrangements are as per the NBC Guidelines and Gujarat Fire Prevention and Life Safety Measures Act.

(vi) The GIFT City itself is located in high sea level and the building basements are also constructed on high sea level for preventing flooding like situation. However, every building basement have De-Watering Pumps if any water logging issue arises, and GIFT City has a Storm Drainage facility which directly sends storm water to river bed. Therefore, Petitioner's licensee area is a water logging free city.

7.13. It is submitted that the Petitioner has not violated any of the provisions mentioned in Electricity Act, 2003, CEA and GERC Regulations but the Association has misinterpreted in understanding the context and submissions made in Main Petition, The Petitioner is utmost committed to the safety of consumers and adopting prudent safety practices at workplaces. Therefore, the contentions made by Association is completely false and is not acceptable because it has been made without any verification of facts.

7.14. It is submitted that the Association have questioned the compliance of various provisions mentioned in GERC' Electricity Supply Code Regulations. Accordingly, Petitioner has examined the same and the same is furnished below:

(i) The Petitioner has mentioned the Clauses 2.3, 3.2, 3.3, 4.105 to 4.107 and 9.21 to 9.25 as per GERC (*Electricity Supply & Related Matters*) Regulations, 2015 for justifying the Prayers of the Main Petition.

(ii) The Association has just mentioned about important technical terminologies as defined in GERC (Electricity Supply & Related Matters) Regulations, 2015 and the same definitions are mentioned by Petitioner in Main Petition.

(iii) The Association has mentioned the Definition of 'Point of Supply' as defined in GERC (Electricity Supply & Related Matters) Regulations, 2015 and the same is being adhered by the Petitioner.

(iv) The Association has misinterpreted in understanding the Power Distribution Arrangement Philosophy of Petitioner. However, it is submitted that Petitioner has installed the energy meter floor-wise for all consumers and therefore Petitioner is not violating the provision of Point of Supply as specified by Association.

(v) The Petitioner has not created any additional/ separate tariff category other than the approved tariff category by Commission in respective Tariff Orders.

(vi) As per Section 43 of the Electricity Act, 2003, every distribution licensee must adhere to Universal Service Obligation. It is submitted that, LT supply has been provided

on consumer's request and for only those who have occupied more than one floors in high-rise buildings. Hence, Petitioner has followed Section 43 of Electricity Act, 2003 (i.e., 'Duty to supply on request'). Also, Petitioner has represented the supply issues in FY 2018-19, FY 2019-20 Tariff Petitions and the Commission gave directions to file a separate Petition. Accordingly, Petitioner has filed this Petition for necessary direction/approval of Commission.

(vii) The Petitioner has requested to approve the supply at the particular voltage and phase due to technical difficulties faced by the licensee as per Clause 3.3 of GERC (Electricity Supply & Related Matters) Regulations, 2015 other than classification of supply in Clause 3.2 of same regulations. Petitioner has not requested to amend the Supply Code but have requested to approve the Metering and Billing Arrangement of consumers residing in high-rise buildings as a special case due to different geographic, demographic conditions of Petitioner's licensee area. Also, Petitioner is adhering to the Definition of 'Point of Supply' as mentioned in Supply Code and therefore no amendment of Definition is required.

(viii) The Petitioner has mentioned Clauses 3.2, 3.3 of GERC (Electricity Supply & Related Matters) Regulations, 2015 and requested to approve the proposal of metering the HTP-1 Consumer at LT level wherever technical difficulties/constraints are being faced by Petitioner for

providing supply at LT level for HT Consumers having contract demand up to 400 KVA in high-rise buildings.

(ix) The Petitioner supplies power within the frequency band as specified in CERC (Indian Electricity Grid Code) Regulations, 2010 and GERC (Gujarat Electricity Grid Code) Regulations, 2013 and its amendments thereof. However, wherever the supply has been provided to HTP-1 Consumer at LT level by Petitioner is on Consumer's request and consent itself, that to for only those who are residing in high-rise buildings, and it is not feasible by every consumer to install transformers and allied equipments because technical conditions of distribution system will get disturbed significantly and will hamper power quality.

(x) The Petitioner's licensee area has a separate 'General Development Control Regulations for GIFT City Area' which is notified by Government of Gujarat and these Regulations permit the Developers to use Basement for Services of Utilities like air-conditioning equipments, electric sub-station, pump room, fire hydrants, water tank, garbage room/collection point, electric meter room and parking spaces etc. Also, Gujarat Fire Safety Act, various CEA Regulations and National Building Code (NBC) states the provisions for installing electric substation in basement of high-rise buildings with complete safety measures. Therefore, the Association has misinterpreted in understanding the context and have made false contentions without completely verifying the facts.

(xi) The Petitioner is adhering all the respective rules/ regulations/guidelines applicable for installing transformers in basement of high-rise buildings and HTP-1 Consumers have been provided supply at LT level based on consumer's request and due to technical difficulties faced by Petitioner. Therefore, the Association doesn't have any ground to make any contentions as majority of them are misinterpreted, wrong and made without verifying the facts of the case.

(xii) The Petitioner has already submitted and confirmed that building basement of high-rise buildings can be utilized for installation of electric substation, air conditioning units, pump room, garbage room/ collection point, fire hydrants and also parking spaces based on GIFT DCR and other prevailing Regulations.

(xiii) The Petitioner submitted that, all transformers installed in building basement are 'Dry Type' and doesn't have any apparatus containing 'Oil'. Therefore, the specific regulation mentioned by Association is being complied by Petitioner.

(xiv) It is submitted that Petitioner has not violated any applicable Rules/Regulations/Guidelines, but the Association has clearly misinterpreted in understanding the context and made false submissions without verifying the facts of the case. Hence, this Petition is maintainable and suitable direction/order can be accorded by Commission.

(xv) It is submitted that the transformers and allied equipments are installed in basement of the building as per provisions of Gujarat Fire Safety Act, CEA Regulations and NBC Guidelines whereas the Energy Meters are installed floor-wise for all consumers in licensee area. Therefore, the Petitioner has not violated any of the Rules/Regulations/Acts/Guidelines, as specified by the Association.

7.15. It is submitted that the Petitioner is utmost committed to supply quality and reliable power to its consumers with prudent safety practices. Therefore, majority of the contentions and Prayers made by Association doesn't make any ground as all of them have been clarified by the Petitioner in these submissions. Also, the Commission may inspect/investigate the installations made in the licensee area, and the safety aspects undertaken for smooth functioning of distribution system.

8. During the hearing dated 28.06.2023, the Commission has raised concerns as to whether any change would require in the tariff rate of above categories in Tariff Schedule approved by the Commission, what will be the impact on tariff design approved by the Commission needs to be verified and what use the technical parameters feasibility and technical capability needs to be verified on safety and other aspects.

8.1. In response to the above query, the Petitioner submitted that the space requirement for laying conductor in different network design is different for different technology. In case of high-rise buildings there is space constraint for installing transformer and cables on different

floors or at basement of buildings. It is necessary to design the network with latest technology so that minimum space is utilized. Moreover, safety and reliability of the network is not affected. Now such latest technology is available and accordingly the Petitioner has laid bus ducts, cubicles and provided the connections on LT system for HT load up to 400 kVA keeping in view the necessary safety precautions and also got clearance from Office of the Electrical Inspector / CEI.

8.2. With respect to the query of the Commission regarding what is the tariff which the Petitioner is charging to the consumers of LT Category and HT Category, the Petitioner replied that the tariff is charged as per the applicable LTP or HTP-I tariff decided by the Commission. The Petitioner submitted that they are not charging the consumers separately for the HT connection network charges laid down in the building and only the administrative charges are being recovered from the consumers.

8.3. With regard to the query of the Commission as to whether this issue is deliberated and discussed in the Supply Code Review Panel or not and if discussed, what is the outcome of such discussion, Mr. Arvind Rajput submitted that the said issue arises in their license area as well as Surat Diamond Bourse case where high-rise buildings are constructed and consumers above 100 kVA demand demanding power supply considering their load requirement which become difficult for licensee to provide by keeping separate transformers for such consumers due to space constraints. He further submitted that in the GIFT Building common duct is provided for providing power

supply to the consumers where higher capacity be possible to provide to the consumers without installation of separate transformers.

8.4. In response to the query of the Commission that LTP supply and HTP supply have different Tariff and rate which also considered with losses at different voltage level, etc., then how the same is factored while charging the tariff, Mr. Arvind Rajput submitted that for the LTP Category consumers who are supplied the higher load of 100 kVA and above, the losses in such cases also considered while charging the tariff. The same is also followed in the State Discoms. Hence, the same does not come in way of allowing the charges requested by the Petitioner. On a rational of such prayer sought by the Petitioner on technical, financial and commercial aspect, he submitted that now new advancement in the technology is available which make possible to cater higher demand of consumers on less losses, reliable and with consideration of new safety aspect also.

9. In compliance to the directives of the Commission during hearing on 28.06.2023, the Petitioner has filed its additional submissions vide affidavit dated 20.07.2023 stating as under:

9.1. The Power Distribution Philosophy of Petitioner's licensee area as stated by the Petitioner as under:

a) A High-Rise Building constructed by any developer for its own use (Single User Building):

In this case, if it has a connected load > 100 KW with single HT connection for the building, then the supply is given under HTP-

1 Category of Tariff with 33 KV Three Phase Connection as per the provisions in GERC Supply Code Regulations.

b) A High-Rise Building constructed by any developer which is occupied by various individual/companies (Multiple User Building):

In that case, consumer having demand less than 100 KW shall be supplied at LT as per respective tariff category.

However, if multiple floors are occupied by a single consumer with power demand of more than 100 KW, then supply at HT level to those consumers is not possible due to space constraint and technical issues. In that case, the Petitioner finds it prudent to give supply at LT level.

9.2. It is submitted that the Petitioner provides 33 KV HT supply till the basement of the building and it is the responsibility of respective developer to establish its own internal power distribution of the building which includes 33/0.415 Dry Type Transformer with allied equipments and sandwich type bus bar trunking system of suitable sizes. The Scheme including Layouts and Drawings are approved by the Petitioner after feasibility check. The Petitioner placed on record that, respective Developers of all High-Rise Buildings in the licensee area have installed dry type transformers at building basement and sandwich type bus bar trunking system for providing electricity to all the occupants of the building at Developer's Own Cost but based on the scheme/drawings approved by the Petitioner. Therefore,

Petitioner confirmed that building internal electrical network and infrastructure is being installed and maintained by Developer at their own cost and Petitioner doesn't have any claim on the assets installed in respective High-Rise Buildings.

9.3. The Petitioner also submitted that Dry Type Transformers are allowed to install in building basement as per Gujarat Fire Prevention and Life Safety Regulations-2016 and its amendments. The respective Clause is reproduced below:

"Regulation 11 (5):

No oil type transformer shall be allowed inside the building. Where electric substation has to be located within the main multi-stored building itself for unavoidable reasons, it shall be a dry-type installation, with very little combustible materials, such as dry type transformer with vacuum (or SF6) breakers as HT switch gears and ACB or MCCB as medium voltage (MV) switchgear. Such substation shall be located on the ground level or on the first basement with following necessary conditions:

a) *The transformer room shall have fire walls of RCC on all sides, isolated from building walls.*
b) *Minimum 3 Meters clearance shall be maintained on all sides of the transformers.*
c) *HT cables inside the building shall be laid at a distance of one meter from columns and beams of the building.*
d) *Only dry type transformers shall be installed inside the building."*

9.4. It is submitted that based on the above-mentioned Regulation, the 'Office of Chief Electrical Inspector' issues the charging permission for the electrical installations in building basement of respective High-Rise Building after due verification. The capacity of the dry type transformers installed in the building basement varies between 1.50 MVA to 2.00 MVA depending upon the structure and utilization purpose of respective building.

9.5. The Petitioner also submitted that sandwich type bus bar trunking systems available in market have a current carrying capacity up to 6,300 Amperes which in turn can handle a total demand of 2,222 KW whereas the bus bar tab-off box / plug-in box have a current carrying capacity of 1,250 Amperes which in turn can handle a total demand of 440 KW. Also, the LT bus duct sizes are of suitable sizes and capable of drawing full capacity of the building load. Therefore, every such HTP-I consumer in the high-rise building (having load less than 400 KW) is receiving the supply at LT level from the transformer located in the building without installing individual transformer. The installation of individual transformer by each consumer would:

a) Extra Space Requirement, which is very difficult in vertical high-rise buildings.
b) Separate Transformers and allied equipments for every consumer.
c) Cable Ducts will become cumbersome due to multiple transformers.

9.6. The Petitioner also informed that, common area demand of high-rise buildings including lift elevators, fire-fighting and lighting load make-up a total demand of ~ 400 KW.

9.7. It is submitted that due to limited space available in the high-rise building premises, installation of separate LT and HT network along with the Transformers, Kiosks and metering arrangement is technically not prudent and as well as economically not feasible. So, a single transformer at the building basement is used to step down the voltage and the necessary LT cables from the transformer have been used for individual metering and supply through bus bar trunking system. Also, the consumer categories residing in the high-rise building are also mixed, some are LT and some are HTP-I.

9.8. It is submitted that based on the above-mentioned technical parameters, Petitioner is proposing to supply electricity at LT level for consumers up to contract demand of 400 KW residing in high-rise buildings with a recovery of line losses in HTP-I billing.

9.9. Further, at present the Petitioner has 18 Nos. of HTP-I consumers with demand between 100 KVA to 400 KVA in the occupied high-rise buildings. Also, it is important to note that the major development in Petitioner's Licensee area is of vertical buildings comprising of minimum 25 floors. Therefore, it is estimated that number of prospective consumers in those high-rise buildings with demand more than 100 KW would nearly be increase up to 250 Consumers in future.

9.10. The Petitioner based on the practices followed in Maharashtra, Rajasthan & Tamil Nadu has proposed the following scenarios for calculating the line losses to utility for HT consumer billing at LT level as follows:

a) Option-1: Assumed losses to be added to HT consumer bill who are getting supply at LT level:

(i) 2% would be added to the demand reading, to determine the kW or kVA billing demand, and

(ii) 'E' units to the energy (kWh) reading to determine the total energy compensation to compensate the transformation losses, where E is calculated as follows:

'E' = {(730* kVA rating of transformer)/500} units per month to compensate for iron losses plus one percent of units registered on the LT side for copper losses.

So, total consumption of a HT consumer = {(730* kVA rating of transformer)/500} units + 1% of actual metered energy at LT level + actual metered energy at LT level.

b) Option-2: Provision of Voltage Surcharge:

(i) As per second provision of Regulations 5.3, of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014, Hon'ble Commission may determine the appropriate voltage surcharge accordingly. Then the same voltage

surcharge can be introduced in the bills of the HTP-I consumers, who are getting supply at LT level and metering is done at LT level.

c) Option-3: Allow Petitioner to continue the present practice followed for HT consumer billing at LT level:

(i) 2% is being added to the demand reading, to determine the kW or kVA billing demand, and

(ii) 5% is being added to the energy reading, to determine the kWh or total consumption.

9.11. Based on the above-mentioned parameters and Clauses 3.3, 9.21, 9.22, 9.23, 9.24 and 9.25 of GERC (Electricity Supply Code and Related Matters) Regulations-2015, which provides power of relaxation and power to remove difficulties and inherent power to the Commission, Petitioner requested to consider and approve the methodology as prayed in the main Petition.

10. The Respondent No. 8 MPSEZ Utilities Limited (MUL) has filed its reply vide affidavit dated 27.06.2023 as under:

10.1. It is submitted that the Commission vide its Daily Order dated 30.06.2021 has directed Petitioner to implead the Distribution Licensees, State Transmission Utility and State Load Despatch Centre, as Respondents in the present matter. Accordingly, MUL being a "Distribution Licensee in the state of Gujarat was impleaded as Respondent.

10.2. The Respondent No. 8 MUL supported the request made in the Petition by the Petitioner with regard to the proposal for modification in the billing and metering arrangement of HTP-I Consumers (as per GERC Supply Code, 2015) residing in the high-rise building in its area of supply.

10.3. It is submitted that the feasibility for power supply should be evaluated on technical grounds as well as in perspective of safety measures instead of specific system of supply mentioned in the Clause 3.2 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015.

10.4. Clause 3.3 of GERC (Electricity Supply Code and Related Matters) Regulations, 2015 is reproduced hereinbelow:

"3.3 The licensee may, depending upon the technical conditions of the distribution system, give supply at a voltage and phase other than the classifications of supply in clause 3.2 of this code, subject to the Commission's approval."

10.5. Further, the Respondent No. 8/MUL referred the clause 9.21, 9.22, 9.23, 9.24 and 9.25 of GERC (*Electricity Supply Code and Related Matters*) Regulations, 2015 which provides Power of Relaxation and Power to Remove Difficulties and Inherent Power of the Commission.

10.6. It is therefore requested that to consider for amendment of clause 3.3 of GERC (Electricity Supply Code and Related Matters) Regulations, 2015 for all the cases of such distribution licensees

wherein it is technical difficult as well economically not feasible to bill such consumers as per HT (High Tension) tariff having metering done at LT (Low Tension) level and accordingly modification in the billing and metering arrangement of HT Consumers shall be allowed, since other distribution licensee in the state may also face similar difficulties as mentioned in the present petition. The proposed revised Clause 3.3 of GERC (Electricity *Supply Code and Related Matters*) Regulation, 2015 is as below:

> *"…. subject to technical feasibility and utmost safety measures. However, in such cases the supply shall be allowed at lower voltage level than the applicable supply voltage as per its contract demand"*

10.7. It is further requested to initiate the proceedings to amend the aforesaid Regulations based on facts submitted in the Petition by the Petitioner.

11. The Respondents No. 1 to 4 have filed the common and identical replies vide their respective affidavits in the present matter. The gist of their submissions/replies is enumerated as under:

11.1. It is submitted that as per GERC Supply Code 2015, Clauses No. 3.2 & 3.3 for different category of consumers under HT & LT system of supply and wherein all installations with contract demand exceeding 100 KVA / KW and upto 4000 KVA / KW, the supply voltage is 11 KV and 22 KV. Clause No. 3.2 read as under:

"The rated voltage voltage of the AC supply should be as follows:

Category	***System of Supply***

For all installations upto and inclusive of 6 KW of connected Load, subject to motive power load other than irrigation pump not exceeding 2 HP in the aggregate.	*230 V- Single phase*
For all installation exceeding 6 KW of Connected Load (motive power load exceeding 2 HP and upto 150 HP in the aggregate) and upto 100 KVA/KW of Contracted Demand.	*400 V- Three phase*
For all installation with Contract Demand exceeding 100 KVA/KW and upto 4000 phase KVA/KW. *However, for the existing 22 KV consumer, the Contract Demand limit shall be extended upto 8000 KVA/KW subject to undertaking from consumer for reverting back to 4000 KVA/KW limit in case of change of system to 11 KV under system conversion scheme.*	*11 KV & 22 KV – Three phase*
All installation with Contract Demand exceeding 4000 KVA//KW	*At 33 KV and above - Three phase*

The Consumer may opt for higher profile of supply even though the contracted load is less than the specified limit under higher profile of supply, if he so desires.

In case of existing consumers drawing power at lower voltage, if due to the additional requirement they cross the threshold limit of load, in such cases, the licensee may, as far as possible, make commercially viable offer to the consumers so that he opts for the next higher voltage of supply. The commercial offer may be framed taking into consideration the following.

a. *Likely reduction in Transmission and Distribution Losses.*
b. *Load reduction on transformers of licensee's system and their availability for meeting new Requirements.*

However, supply to existing consumers at voltage lower than the limit specified above, should continue and in case their load requirement increases, the above specified load limit will be applicable.

Clause No. 3.3: *The 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 clause 3.2 of this Code subject to the Commission's approva.*

……"

11.2. The Respondent No. 1 provide power supply to the Northern part of the Gujarat and different category of more than 41 lakhs consumers are being supplied. Major of the consumers fall under rural area and few consumers under urban area. In urban area, there are all kind of development i.e. horizontal as well vertical observed.

11.3. The Respondent No. 2 provide power supply to the south part of the Gujarat and different category of more than 36 lakhs consumers are being supplied. Major of the consumers fall under rural area and few consumers under urban area. In urban area, there are all kind of development i.e. horizontal as well vertical observed.

11.4. The Respondent No. 3 provide power supply to the western part of the Gujarat and different category of more than 58.0 lakhs consumers are being supplied. Major of the consumers fall under rural area and few consumers under urban area. In urban area, there are all kind of development i.e. horizontal as well vertical observed.

11.5. The Respondent No. 4 provide power supply to the central part of the Gujarat and different category of more than 35 lakhs consumers are being supplied. Major of the consumers fall under rural area and few consumers under urban area. In urban area, there are all kind of development i.e. horizontal as well vertical observed.

11.6. It is submitted that there is no specific policy/Regulation for power supply to vertical developed buildings like GIFT City PCL in existence. Further, the Respondents have no provision for prospective consumers / developers to install their own distribution transformer in the basement / ground floor of the building and installation of LT busbar for providing power supply to different consumers in the same building.

11.7. The HT/LT lines and transformers erected under option-II (Supply & Erection by developer / consumer) for supply to LT / HT consumers is the asset of distribution licensee after commissioning and charging and it is to be maintained by distribution licensee, whereas in GIFT City PCL area, LT Busbar and transformer are the asset of developer / consumer.

11.8. The provision of MERC (SoP of distribution licensees, period for giving supply and determination of compensation), Regulations 2014, Clause No.5.3 (ii) stipulates that "in case of multiple consumers with contract demand more than 150 KW/ 187 KVA in the same building / premises as a single point of supply in the municipal corporation areas where such limit would be 480 KW / 600 KVA". The provision is applicable for municipal corporation areas only.

11.9. It is submitted that being mixed load and wide rural area, at this juncture, there is no such kind of higher demand at LT voltage level aroused in PGVCL area.

11.10. Further, in vertical buildings, the demand registered of individual consumer at LT voltage level is upto 100 KW and in some of the cases,

single point supply demanded for the entire building under HT voltage level.

11.11. It is requested to the Commission to look into the proposal of Petitioner for supply under HTP-I tariff upto 400 KVA with LT metering in context to their area of supply only.

12. The Respondents No. 5 to 7 Torrent Power Limited being the distribution licensee of Ahmedabad/Gandhinagar, Surat, Dahej, Dholera and MBSIR license areas in the State of Gujarat, has filed its reply vide affidavit dated 10.07.2026 as under:

12.1. It is submitted that the in the present Petition proposal is restricted to the licence area of the Petitioner GIFT only. However, if the Commission is going to extend the proposal to the area of the other licensees, following are the submissions of the Respondent:

a) The relief sought in present petition should be limited to Multi Storeyed Buildings/ High-Rise buildings more than Fifteen Metre in height equipped with Bus Bar Trunking System for power distribution. In this regard, the Respondent refer and rely on the provisions of Regulation 38 of CEA (Measures relating to Safety and Electric Supply) Regulations, 2023. The relevant extract of the Regulation is as under:

"38. Provisions for supply and use of electricity in multi-storeyed building more than fifteen metre in height.-

(1) The connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector

*for a **multi-storeyed building of more than fifteen metre height** shall be notified by the Appropriate Government.*

(2) ...

(3) The following safety measures shall be provided in the multi-storeyed buildings of more than fifteen metre height and other premises such as airports, hospitals, hotels, places of entertainment, places of worship, cultural centers, stadium, academic buildings, test labs, industrial installations, installation with explosive or flammable material, railway or metro stations and other public buildings, namely:-

.....

*(v) distribution of electricity to the floors shall be done using **bus bar trunking system;***

b) Further, the Respondent submitted that during Electricity Supply Code Review Panel (ESCRP) meeting dated 30.10.2025, it had suggested for framing detailed guidelines regarding use of Busbar Trunking (BBT) system for all multi-storied building of height above 15 meters and all types of public buildings as per Regulation 38-3(V) of CEA (*Measures relating to Safety and Electric Supply*) Regulations, 2023. In turn, DGVCL had prepared a draft report and the same is pending for discussion /finalization at ESCRP.

c) It is submitted that the Petitioner has detailed various options for billing consumers who are supplied at LT level but billed as per HT category. In this regard, the Respondent submitted as under:

(i) As per Option 1, "*Assumed losses to be added to HT consumers bill who are getting supply at LT level*", 2% Loss would be added to the demand reading, to determine the kW and kVA billing demand and Total consumption of a HT consumer is computed as:

HT Customer consumption = {(730* kVA rating of transformer) / 500} units for iron loss + 1% of actual metered energy at LT level + actual metered energy at LT level for copper loss.

In this regard, it is submitted that the above formula covers only "NO-LOAD losses" and "COPPER losses" of transformer. However, in addition to the above proposed losses, the loss of busbar-trunking shall also be considered. E.g. For 240 Sq. mm Copper Cable of 50 meters having an ampacity of 500 A at loading of 50% & 100%, the estimated loss is about 0.25% to 1.01%. Whereas for-240 Sq. mm Copper Cable of 100 meters having an ampacity of 500 A at loading of 50% & 100%, the estimated loss is about 0.51% to 2.02%.

(ii) As per Option 2, "*Provision for voltage surcharge*", the Petitioner has proposed to introduce voltage surcharge in bills of HTP-I consumers who are getting supply at LT level and metering is done at LT level.
In this regard, it is submitted that MERC has specified 2% as voltage surcharge and RERC has specified 3%.

However, same cannot be simpliciter adopted for Gujarat State. The Commission is required to specify separate voltage surcharge after conducting necessary study and considering the unique load profile and voltage mix of Gujarat consumers.

(iii) As per Option 3, the Petitioner has proposed that "*GIFT PCL be allowed to continue present practice followed of HT consumer billing at LT level*".

In this regard, it is submitted that the Petitioner has not provided any details of methodology followed for billing such consumers. Hence, Respondent is not in a position to submit its comments/suggestions in this regard. However, the option cannot be simpliciter adopted in other license areas without disclosing the detailed methodology being followed at present.

12.2. Based on above, the Respondent TPL requested the Commission to give due consideration to its submission before approving any relief that may also be extended to the Respondent's license areas or before allowing any amendment to the GERC Supply Code Regulations, 2015 read with amendments.

13. The matter was heard on 30.06.2026 through Hybrid Mode.

13.1. Mr. Rakesh Inala, appearing on behalf of the Petitioner GIFTPCL, reiterated the submissions as stated above

13.2. Mr. R.B. Ninama, appearing on behalf of Respondent No. 1 UGVCL, submitted that considering the mixed consumer profile and predominantly rural nature of its licensed area, there is presently no requirement for supply at LT voltage level for consumers having such higher demand. He further requested the Commission to consider the Petitioner's proposal for supply under the HTP-I tariff up to 400 kVA with LT metering only in respect of the Petitioner's licensed area.

13.3. Ms. Luna Pal, appearing on behalf of Respondent No. 5 Torrent Power Limited, submitted that the proposal of the Petitioner should be confined to the licensed area of GIFT Power Company Limited. She further submitted that in the event if the proposal is extended to other distribution licensees, it should specifically provide that the same shall be applicable only to the High-rise buildings having a bus-bar Trunking system. She further submitted that Torrent Power Limited has no objection to recovery of applicable line losses from HTP-I consumers with LT metering arrangement .

13.4. Mr. Tapan Pandya, appearing on behalf of Respondent No. 8 MPSEZ Utilities Limited, submitted that MUL supports the relief sought by the Petitioner regarding the proposed modification in the billing and metering arrangement of HTP-I consumers residing in high-rise buildings within its licensed area. He further requested the Commission to initiate appropriate proceedings for amendment of Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, so as to extend similar relief to all distribution licensees in cases where billing HT consumers with metering at LT level is technically difficult and economically unviable.

13.5. In response to the contentions made by Respondent No. 8 MUL, Mr. Rakesh Inala appearing for the Petitioner clarified that the Petitioner has not sought amendment to the Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015 and accordingly, submitted the Commission that the prayers of the Petitioner may be confined to seeking a specific approval applicable only to the licensed area of GIFT Power Company Limited.

14. Heard the Parties. We note that the present Petition has been filed by the Petitioner under Section 50 of the Electricity Act, 2003 read with Clauses 3.3, 9.21, 9.22, 9.23, 9.24 and 9.25 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015 seeking approval of the Commission for modification in the billing and metering arrangement of HTP-I consumers in high-rise buildings within the Petitioner's licensed area. We note that when the matter was called out, nobody was present on behalf of the Respondents No. 9,10,11 & 13 and Objectors No. 1 & 2 although the hearing notice was issued to them. We also note that the Respondents No. 9, 10, 11 & 13 and Objectors No. 1 & 2, have neither remained present during today's proceedings nor made any written communication about their inability to remain present, despite being served the hearing notice to them.

14.1. We have carefully considered the Petition, written submissions, additional affidavits filed by the Petitioner, the replies and submissions of all the Respondents, the submissions received from the Objectors, the rejoinder reply filed by the Petitioner, the

documents placed on record and the oral submissions advanced during the course of hearing. We have also examined the relevant provisions of the Electricity Act, 2003, the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, the applicable CEA Regulations governing safety and metering, and the practices adopted by other State Electricity Regulatory Commissions relied upon by the Petitioner.

14.2. We note that the issue involved in the present Petition is not with regard to determination of tariff or creation of a new tariff category. The limited issue requiring consideration of the Commission is whether, having regard to specific building code and distribution network configuration prevailing in the Petitioner's licensed area, the Petitioner be permitted to bill the consumers under the applicable HTP tariff while receiving supply through LT metering arrangements connected to the common building transformer, instead of insisting upon installation of individual HT infrastructure for each such consumer.

14.3. We have considered the submissions of the Petitioner explaining the peculiar nature of development in the GIFT City area, which consists predominantly of vertical, high-rise buildings housing a mix of LT and HT consumers within the same structure and the consequent space constraints that render installation of individual HT transformers for each consumer having a connected load in excess of 100 kW. We note that the Petitioner has placed on record the technical parameters of the 33/0.415 kV dry-type transformers and sandwich-type bus-bar trunking systems installed in the basements of the buildings, their

current-carrying capacity and the manner in which supply is extended at LT level, through individually metered floor-wise connections to consumers with contract demand up to 400 kVA who would otherwise fall within the HTP-I category. The Petitioner further submitted that the integrated infrastructure of GIFT City is fundamentally different from conventional urban development. According to the Petitioner, most of the developments consist of vertically designed mixed-use buildings wherein residential, commercial, institutional and common facilities coexist within the same premises. The internal electrical distribution system has accordingly been planned through common receiving substations, common transformers, LT bus ducts and floor-wise distribution networks. It is the Petitioner's case that installation of independent HT transformers, switchgear and associated equipment for every individual HTP-I consumer is technically impracticable because of severe space constraints and would also result in duplication of electrical infrastructure, increased capital expenditure and operational inefficiency. The Petitioner has, therefore, sought approval under Clause 3.3 of the Supply Code for permitting supply at a voltage different from that ordinarily prescribed under Clause 3.2, while continuing billing these consumers under the HTP tariff having contract demand in excess of 100 kW/150kW and upto 400 kW.

14.4. One of the objections raised by the Objectors as well as certain Respondents is that the relief sought virtually amounts to amendment of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015 and consequently cannot be granted in the present

proceedings. It has further been submitted that such relaxation would dilute the statutory safety requirements prescribed under the CEA Regulations and may create an undesirable precedent applicable to other distribution licensees. Therefore, before examining the individual submissions of the parties, it is necessary to refer the applicable provisions of the GERC' Supply Code and the nature of the powers vested in the Commission thereunder. Therefore, the relevant Regulations 3.2 and 3.3 of the GERC' Supply Code 2015 is reproduced as under:

".....

System of Supply

3.1 .....

3.2 The rated voltage of the AC supply should be as follows:

Category	***System of Supply***
For all installation up to and including 6 kW connected load, subject to motive power load other than Irrigation Pump not exceeding 2 HP in the aggregate	*230 V - Single Phase*
For all installation exceeding 6 kW of connected load (motive power load exceeding 2 HP and up to 150 HP in the aggregate) and up to 100 kVA/KW of contracted demand.	*400 V - Three Phase*
For all installation with contract demand exceeding 100 kVA/ kW and up to 4000 kVA/kW. However, for existing 22 kV consumer the contract demand limit shall be extended up to 8000 kVA/kW subject to undertaking from consumer for reverting back to 4000 kVA/kW limit in case of change of system to 11 kV under system conservation scheme.	*11 kV and 22 kV - Three phase*
All installations with contract demand exceeding 4000 kVA/kW	*At 33 kV and above - Three Phase*

The Consumer may opt for higher profile of supply even though the contracted load is less than the specified limit under higher profile of supply, if he so desires.

In case of existing consumers drawing power at lower voltage, if due to the additional requirement they cross the threshold limit of load,

in such cases the licensee may, as far as possible, make commercially viable offer to the consumers so that he opts for the next higher voltage of supply. The commercial offer may be framed taking into consideration the following-

(a) Likely reduction in Transmission and Distribution Losses;

(b) Load reduction on transformers of licensee's system and their availability for meeting new requirements.

However, supply to existing consumers at voltage lower than the limit specified above, should continue and in case their load requirement increases, the above specified load limit will be applicable.

3.3 The 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 clause 3.2 of this Code, subject to the Commission's approval.

….."

Thus, the Clause 3.2 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015 prescribes the normal voltage levels at which supply is to be extended depending upon the connected load or contract demand of a consumer. The object behind prescribing standard voltage levels is to ensure uniformity in the distribution system, maintain technical efficiency and reduce system losses. However, the Clause 3.3 specifically provides that the 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 the Clause 3.2 of Supply Code, subject to the Commission's approval. Thus, the Clause 3.2 lays down the general rule regarding voltage of supply, the Clause 3.3 carves out specific exception

enabling deviation wherever the technical conditions of the distribution system so warrant. The language of the Clause 3.3 is plain and unambiguous. It neither restricts the Commission's jurisdiction to any particular class of consumers nor mandates amendment of the Regulations before such approval can be granted. Rather, the Regulation itself recognizes that exceptional technical circumstances may exist in a particular distribution system which justify supply at a voltage different from the standard classification, subject to prior approval of the Commission.

14.5. The Commission is, therefore, unable to accept the contention that the approval which may be granted by the Commission under Clause 3.3 necessarily requires amendment of the Regulations. On the contrary, such an interpretation would render Clause 3.3 *otiose* and defeat the very purpose for which it has been incorporated in the Supply Code. The settled principle of statutory interpretation requires that every provision of a Statute must be given its due meaning and operative effect. A construction which renders an express provision redundant or ineffective cannot ordinarily be accepted. We are therefore of the considered view that Clause 3.3 itself constitutes an enabling provision authorizing the Commission, in an appropriate case and after examining the technical conditions of the concerned distribution system, to accord case-specific approval for supply at a voltage different from the standard classification specified under Clause 3.2 and exercise of such statutory power cannot be equated with amendment of the Regulations framed under Section 181 of the Electricity Act, 2003. Consequently, the present proceedings are

required to be examined within the limited framework of Clause 3.3 of Supply Code and the same cannot be construed as seeking amendment of the Supply Code itself.

15. Having observing that Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015 empowers the Commission to accord a case-specific approval depending upon the technical conditions of the distribution system, the only limited issue remains to be decided as to whether the Petitioner has been able to establish the existence of such exceptional technical conditions in its licensed area so as to justify invocation of the said provision.

15.1. From the material placed on record, it emerges that GIFT City has been conceived and developed as an integrated smart city comprising predominantly high-rise commercial, residential and mixed-use developments. Unlike conventional urban developments, where separate plots are generally occupied by individual consumers with independent electrical infrastructure, the planning philosophy adopted in GIFT City envisages common utility infrastructure catering to multiple occupants within the same building. The Petition explains that each building is provided with common receiving arrangements, common transformers and common LT bus ducts designed to distribute electricity to various occupants situated on different floors. The consumers in such buildings comprise a combination of LT consumers, HTP-I consumers depending of their contracted demand and connections for common services, institutional establishments and commercial occupants.

15.2. The Commission further notes that the Petitioner has furnished details of the existing and prospective developments in GIFT City demonstrating that the future growth of the distribution network would predominantly consist of vertical developments. The Petition further indicates that a substantial number of prospective consumers are expected to be catered under the HTP-I tariff category on account of their connected load or contract demand, while physically occupying only a limited portion of the building. Such consumers would ordinarily be required, under Clause 3.2 of the Supply Code, to obtain supply at HT level and install individual HT receiving stations together with transformers, switchgear and associated protection equipment and also metered at HT level. However, as per the submission of the Petitioner, such an arrangement may not be technically feasible in the peculiar architectural configuration of the buildings constructed in the Petitioner's licensed area. The Installation of separate HT receiving stations, transformers and associated electrical infrastructure for each individual HTP-I consumer occupying different floors within the same building would not only require substantial additional space but would also result in duplication of electrical infrastructure, increase in capital cost and avoidable operational complexities. The Commission is conscious that technical planning of modern high-rise developments necessarily differs from conventional horizontal developments and therefore the distribution system adopted therein cannot always be examined by applying identical engineering standards applicable to independent standalone premises.

15.3. The Commission also takes note of the fact that the relief sought by the Petitioner does not seek alteration of the applicable tariff category. The Petitioner has categorically submitted that consumers having contract demand above the prescribed threshold shall continue to be billed under the HTP-I tariff applicable under the Commission's Tariff Order. The only relief sought relates to the voltage at which supply is physically extended and the location of metering, owing to the technical constraints of the distribution system due to specific nature of building Code in the license area of the Petitioner. Thus, the essential commercial characteristics of HTP-I consumers remain unaffected.

15.4. The Respondent Distribution Licensees, viz., UGVCL, DGVCL, PGVCL and MGVCL, in their replies, have acknowledged that the technical configuration prevailing in GIFT City may be materially different from the conventional distribution systems operating in their respective licensed areas. They have not objected to the technical constraints arising from integrated high-rise developments as claimed by the Petitioner. Their only limited submission is that if any relaxation is granted by the Commission, the same should be confined to the Petitioner's licensed area and should not be treated as a general relaxation applicable to all distribution licensees in the State. It is also noted that the Respondent Torrent Power Limited has also adopted the same stand. We note that the regulatory framework governing electricity supply is intended to operate uniformly across the State; however, the Supply Code itself recognizes that exceptional technical situations may arise in a particular distribution system and the

existence of such exceptional circumstances existing in one licence area does not necessarily imply that identical circumstances exist in every other licence area. Therefore, any approval granted under Clause 3.3 must necessarily remain confined to the facts and technical conditions of the particular case before the Commission.

15.5. We note that the arrangement proposed by the Petitioner is reasonable and pragmatic given the technical requirements and the site specific conditions prevailing in the Petitioner's licensed area and is consistent with Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, which expressly permits the licensee subject to the Commission's approval, to give supply at a voltage and phase other than the classification specified in Clause 3.2 of the Code, depending upon the technical conditions of the distribution system.

15.6. We note that the Clause 3.3 of GERC Supply Code envisages a conscious determination by the Commission after examining the technical requirements of the concerned distribution system. Accordingly, we are agree with the submissions of Torrent Power Limited and the State Distribution Licensees to the extent that any approval granted in the present proceedings must remain confined to the Petitioner's licensed area and shall not be extended to any other distribution licensee. We note that the approval proposed to be granted is founded upon the express statutory exception incorporated in Clause 3.3 itself. Therefore, the general rule embodied in Clause 3.2 continues to operate unaffected in all

ordinary situations, while the present approval merely recognises the existence of an exceptional factual matrix supported by technical considerations. Accordingly, upon an overall consideration of the facts on record, the Commission is of the view that the Petitioner has been able to establish the existence of special technical conditions contemplated under Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015. We, therefore, decide that the Petition deserves consideration within the framework of the said Regulation, subject to strict compliance with the applicable safety and other requirements.

16. We have considered the detailed objections filed by the Objectors, viz., Utility Users' Welfare Association and Users' Welfare Association, which raise concerns regarding compliance with the CEA (Measures relating to Safety and Electric Supply) Regulations, 2010, the GERC Supply Code and the safety of installations in building basements and in the alternative, either outright dismissal of the Petition or the creation of a distinct 'Higher LTMD' tariff category for such consumers. We have equally considered the Petitioner's detailed clause-wise response thereto, placed on record vide its submissions dated 27.10.2021 and 05.02.2022 confirming the compliances with the applicable Regulations and the approvals obtained from the concern departments.

16.1. One of the objections raised by the Objectors is that the present Petition itself is not maintainable and deserves to be dismissed at the threshold as the Petitioner has already implemented LT metering for

certain HTP-I consumers without obtaining prior approval of the Commission and has, thereafter, approached the Commission seeking post facto approval. It has also been argued that the Commission should initiate proceedings under Sections 142 and 146 of the Electricity Act, 2003 for the alleged violation of the Supply Code and the CEA Regulations.

16.2. We note that the purpose of the present proceedings is to examine whether the peculiar technical configuration prevailing in the Petitioner's licensed area justifies grant of approval under Clause 3.3 of the Supply Code. The maintainability of the Petition cannot be rejected merely because certain technical arrangements were adopted pending regulatory clarification. The legality or otherwise of the Petitioner's past conduct is distinct from the question whether the relief sought is otherwise permissible under the existing regulatory framework. We take note of the facts that the present Petition has been filed by the Petitioner precisely to obtain such approval of the Commission under Clause 3.3 of the GERC Supply Code, the Commission considered it appropriate to decide the matter on its merits rather than reject it on technical grounds. Therefore, the Commission is unable to accept the aforesaid contentions of the Objector.

16.3. We also note that the Objectors have submitted that the Commission cannot grant the relief prayed for because the same would amount to amendment of the Supply Code and the CEA Regulations, which can only be undertaken by following the procedure prescribed under Section 181 of the Electricity Act, 2003. Reliance has also been placed

upon the judgment of the Hon'ble Supreme Court in *GUVNL v. Solar Semiconductor Power Company (India) Pvt. Limited,.* to contend that the Commission cannot invoke its inherent powers to alter statutory Regulations. We have already discussed the scope of Clause 3.3 in the preceding paragraphs. The submission proceeds on an incorrect premise that every departure from the standard voltage classification necessarily amounts to amendment of the Regulations. It is also relevant to note that the Clause 3.3 itself expressly vested with the authority to the Commission to approve supply at a voltage different from that specified in Clause 3.2 depending upon the technical conditions of the distribution system. Therefore, when the Commission exercises jurisdiction expressly conferred by the Regulations itself, it cannot be said that the Commission is amending the Regulations. Similarly, the reliance placed upon the judgment of the Hon'ble Supreme Court in *Solar Semiconductor* is not relevant in the present case because the said judgment dealt with the exercise of inherent powers to alter substantive rights flowing from an earlier Order of the Commission. In the present proceedings, the Commission is not reviewing any earlier Order, nor is it exercising inherent powers to override statutory provisions. Rather, the Commission is exercising an express statutory power already conferred upon it under the Clause 3.3 of the Supply Code. Accordingly, we are of the considered view that the ratio of the aforesaid judgment is distinguishable on facts and does not prohibit the Commission from exercising jurisdiction specifically vested under the GERC' Supply Code.

16.4. The objectors have also raised concerns regarding safety. It is submitted that installation of common transformers, common LT bus ducts and LT metering for HTP-I consumers violates various provisions of the CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 and the CEA (Installation and Operation of Meters) Regulations, 2006. It has further been contended that no relaxation can be granted by the Commission in matters involving electrical safety. After carefully examining the relief sought in the present Petition, the Commission finds that the Petitioner has not sought exemption from norms prescribed under the CEA Safety Regulations. The Petitioner has also not prayed for dispensation from the requirements of inspection, certification or approval by the Chief Electrical Inspector or any other competent statutory authority. The limited prayer is only for approval of a different billing and metering arrangement necessitated by the technical design of the distribution system. Therefore, the apprehension that the present Petition seeks relaxation from statutory safety provisions is not borne out from the record. Needless to state, any approval granted by the Commission cannot and shall not dispense with compliance of the CEA Regulations, the provisions of the Electricity Act, 2003, the directions of the Chief Electrical Inspector or any other statutory authority having jurisdiction over electrical safety. Accordingly, while we are rejecting the objection that the Petition deserves dismissal on safety grounds alone, we consider it necessary to make continued compliance with all applicable safety requirements a mandatory condition of this approval.

16.5. As regards the suggestion of the Objector for introduction of a distinct 'Higher LTMD' tariff category for such consumers, the Commission is of the view that creation of a new tariff category is a subject matter of the tariff proceeding under Section 62 of the Electricity Act, 2003, following the due process of ARR filing and public consultation and cannot be undertaken in the present proceedings, which are confined to seeking the Commission's approval under Clause 3.3 of the GERC' Supply Code, for the mode of supply and metering.

16.6. We note another concern expressed by the Objectors that grant of the present Petition may encourage other distribution licensees to seek similar relaxations, thereby diluting the Supply Code. In this regard, as already discussed hereinabove, Clause 3.3 itself contemplates case-specific approval depending upon the technical conditions of the concerned distribution system and consequently, every future case shall necessarily require independent examination on its own facts and the present Order is founded upon the peculiar characteristics of GIFT City's integrated high-rise development, the technical evidence is placed on record and the specific distribution architecture adopted by the Petitioner. Therefore, this Order cannot be construed as laying down any general principle applicable to every distribution licensee in the State. We find this apprehension to be misplaced and accordingly, the same is rejected.

17. The Respondent No. 8 MPSEZ Utilities Limited while supporting the relief sought by the Petitioner, has additionally prayed that Clause 3.3 of the GERC (Electricity Supply Code and Related Matters)

Regulations, 2015 itself be amended for general application to all distribution licensees in the State facing similar technical difficulties, and has proposed specific revised language for the said Clause.

17.1. The Commission has carefully examined the reply and submissions filed by MPSEZ Utilities Limited. From the pleadings on record, it emerges that MPSEZ has, while referring to its own distribution system and operational requirements, requested that if the Commission grants the relief sought by the Petitioner, similar treatment or a corresponding amendment in the applicable Regulations should also be made available to MPSEZ and other similarly placed distribution licensees. In substance, the submissions of MPSEZ seek either extension of the proposed dispensation beyond the Petitioner's licence area or a general regulatory framework applicable to all distribution licensees.

17.2. At the outset, it is necessary to appreciate the scope of the present proceedings. The Petition before the Commission has been filed by GIFT Power Company Limited under Section 50 of the Electricity Act, 2003 read with Clause 3.3 and other relevant provisions of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, seeking approval in respect of the billing and metering arrangement proposed to be adopted in its own licensed area. The Commission is therefore called upon the issues arising from the factual matrix placed before it by the Petitioner. The present proceedings are neither framed as proceedings for amendment of the Regulations under Section 181 of the Electricity Act, 2003 nor do they constitute a suo

motu exercise by the Commission to revise the Supply Code applicable throughout the State.

17.3. The Commission is of the considered view that every distribution licence area possesses its own technical characteristics, consumer profile, network architecture, planning philosophy and operational constraints. While GIFT City has been developed as an integrated greenfield smart city with predominantly high-rise mixed-use buildings sharing common electrical infrastructure, it cannot automatically be presumed that the same technical configuration exists in every other licence area. The Commission cannot proceed on assumptions or generalisations in matters involving electricity supply and distribution. Any departure from the standard provisions of the Supply Code must necessarily be supported by cogent technical evidence demonstrating the necessity for such departure in the concerned distribution system. Therefore, the Commission do not find merits in the submission of MUL to allow similar treatment to MUL also.

17.4. The Commission also finds merit in the submissions made by the State Distribution Licensees as well as Torrent Power Limited that any approval under Clause 3.3 of the Supply Code must necessarily remain case-specific and cannot be treated as a general dispensation applicable to all licensees. Such an approach is fully consistent with the language employed in Clause 3.3, which predicates the exercise of power upon the "technical conditions of the distribution system." The expression "distribution system" occurring in the Regulation clearly refers to the distribution network of the concerned licensee whose

proposal is under consideration and not to the electricity distribution framework of the State as a whole.

17.5. We are, therefore, unable to accept the implicit suggestion that the present proceedings should culminate in amendment of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015. The power to frame or amend Regulations under Section 181 of the Electricity Act, 2003 is legislative in character and is exercised after following the statutory procedure, including publication of draft Regulations, inviting comments and objections from stakeholders and considering such comments before final notification. Such a legislative exercise cannot be undertaken incidentally while adjudicating an individual petition filed under the existing Regulations.

18. We note that the Petitioner has suggested three options for compensating the utility for losses attributable to consumers billed under the HTP-I tariff category but metered at LT level. We note that Option-3, viz., continuation of the Petitioner's present practice of adding 2% to the billing metered demand and 5% to the metered energy, is the methodology already in vogue in the Petitioner's licensed area, has not given rise to any recorded consumer grievance over the period of its operation, and is administratively simple to apply and verify. We further note the technical observation of Respondent Nos. 5 to 7 that the formula underlying Option-1 accounts only for transformer no-load and copper losses and does not separately capture bus-bar trunking losses and that the voltage surcharge contemplated under Option-2 would require a separate

tariff study specific to Gujarat's load profile before it could be prescribed; we agree that neither Option-1 nor Option-2 can, on the material presently on record, be adopted without further study. We are, therefore, of the view that Option-3, being the practice already followed and found broadly reasonable, be approved, subject to the liberty reserved to the Commission to review the said loss compensation percentage, if so required, in an appropriate future proceeding, including in the Petitioner's Tariff proceedings, in light of actual loss data.

19. In view of the detailed discussion and findings recorded hereinabove, the Commission is of the view that in the given facts of the existence of exceptional technical conditions prevailing in the licensed area of the Petitioner, warrant consideration of the Commission under Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015. The Commission is of the view that the integrated electrical infrastructure developed in GIFT City, consisting predominantly of high-rise mixed-use buildings with common receiving substations, transformers and LT distribution systems, presents a technical configuration which is materially distinguishable from the conventional distribution systems generally existing in other licence areas in the State.

19.1. The Commission reiterates that the approval granted is based on the peculiar facts and technical circumstances established in the present proceedings and the statutory discretion expressly vested with the Commission under Clause 3.3 of the GERC (Electricity Supply Code

and Related Matters) Regulations, 2015. The present Order is, therefore, to be considered as licensee's specific relaxation under the Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015 framed under Section 181 of the Electricity Act, 2003.

19.2. It is worth to mention that the above approval shall remain applicable only within the licensed area of GIFT Power Company Limited and only in respect of those buildings where installation of independent HT infrastructure and HT metering for each HTP-I consumer is technically impracticable due to the architectural configuration of the building.

19.3. The Commission makes it clear that all HTP-I consumers covered under the present approval shall continue to be governed by the applicable HTP-I tariff as determined by the Commission from time to time as the present approval relates only to the technical arrangement of supply and metering and does not alter the tariff category, consumer classification or billing principles applicable under the Commission's Tariff Order.

19.4. It is also noted that the above approval granted is based upon the peculiar technical characteristics of the Petitioner's distribution system as established in the present proceedings. Any material changes in the distribution configuration, building design philosophy or statutory framework, the same shall be reviewed for determining the requirements of continuation of applicability of this approval in

accordance with law. The Commission further expects the Petitioner to periodically review the operation of the approved arrangement and maintain records relating to safety, system performance, metering accuracy and consumer complaints.

ORDER

20. In view of the foregoing discussion and findings, the proposal of the Petitioner GIFTPCL is hereby approved in exercise of authority conferred under Clause 3.3 of the GERC (Electricity Supply Code and Related Matters) Regulations, 2015, subject to the conditions contained in this Order. We make it clear that the approval shall remain confined exclusively to the licensed area of GIFT Power Company Limited and shall not automatically extend to any other distribution licensee. Further, the Petitioner shall ensure strict compliance with all applicable CEA Safety Regulations, metering regulations, approvals of the Chief Electrical Inspector and other statutory requirement governing electrical installations.

21. With this Order, the present Petition stands disposed of.

22. Order accordingly.

Sd/-	**Sd/-**
[Hiren Shah]	**[Pankaj Joshi]**
Member	**Chairman**

Place: Gandhinagar.

Date: 23/07/2026.