

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)**

**APPEAL NO.256 OF 2022**

**Dated: 15.11.2022**

**Present: Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson  
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

**In the matter of:**

**M/S RAMAYANA ISPAT PRIVATE LIMITED**

*Through its Authorised Signatory*

SP-45, RIICO, Industrial Area,

Near Honda Factory,

Khushkhera, District Alwar,

Rajasthan – 301707

... Appellant(s)

**VERSUS**

**1. RAJASTHAN ELECTRICITY REGULATORY COMMISSION**

*Through its Chairman,*

Vidyut Viniyamak Bhawan,

Sahakar Marg, near State Motor Garage,

Jaipur, Rajasthan – 302001.

**2. JAIPUR VIDYUT VITRAN NIGAM LIMITED,**

*Through its Managing Director,*

Vidyut Bhawan, Jyoti Nagar,

Jaipur, Rajasthan – 302002.

**3. RAJASTHAN RAJYA VIDYUT VITRAN  
PRASARAN NIGAM LTD.**

*Through its SE (MIS & IT),*

Vidyut Bhawan, Janpath,

Jaipur, Rajasthan – 302002

... Respondent(s)

Counsel for the Appellant (s) : Mr. Sajan Poovayya, Sr. Adv.  
Mr. Tushar Jain  
Mr. Abhishek Kakker

Counsel for the Respondent (s) : Mr. Sandeep Pathak  
Mr. Avnish Dave  
Ms. Archana P. Dave for R-2

Ms. Anish Maheswari  
Ms. Harsha Vinoy for R-3

## **J U D G M E N T (Oral)**

**PER HON'BLE MR. JUSTICE R.K. GAUBA, OFFICIATING CHAIRPERSON**

1. The appellant is an industrial consumer embedded in the distribution system of second respondent (*Jaipur Vidyut Vitran Nigam Limited*), being connected to 33 kV line of third respondent (*Rajasthan Rajya Vidyut Prasaran Nigam Limited*) having a contract demand of 6.99 MW at the relevant point of time, though maintaining the contract demand of 6 MW since 17.12.2019.

2. In the wake of amendments carried to *Rajasthan Electricity Regulatory Commission (Electricity Supply Code and Connected Matters) Regulations, 2004*, ("Supply Code"), on 19.02.2010 and 09.08.2017, the appellant had applied to the second respondent for change of connection from existing 33 kV to 133 kV, which request was rejected on 16.01.2018 referring to issues of technical feasibility.

3. Aggrieved by the rejection, and levy of 3% transformation losses, the appellant had challenged the levy by petition (no.1371/2018) filed in August, 2018 seeking the following reliefs:

*"1. By an appropriate order or direction, the direction may be issued to the Respondent to introduce appropriate amendment to the terms and supply of Electricity, 2004 in order to remove the anomaly arising due to the inaction of the Respondents.*

*2. By an appropriate order or direction, till the time application of a consumer to get connection in higher load category is pending or till the connection is actually given, the Respondents may be directed to*

*give all the benefits to the consumer having connection at higher voltage are entitled for i.e.*

- a. Relief from levy of Transformation Loss and Transformer rent*
- b. Allow Voltage rebate*
- c. Relief from levy of Discom Wheeling Charges and Losses*

*Further directions may be issued to the Respondents that till the application of the consumer is processed higher connection no coercive action may be taken in terms of the amended provision.*

*d. By an appropriate order or direction, the Respondents may be directed to refund any charges or penal charges imposed during the pendency of the present petition along with interest.”*

**4.** The first respondent (State Commission) passed the order on the above-said petition on 08.02.2019, *inter alia*, holding as under:

*“15. Further, Commission observes that it is the responsibility of RVPN to provide the connectivity to the consumers at 132 kV or higher voltage levels. Therefore, Commission directs RVPN to provide the connectivity to the Petitioner at 132 kV voltage without any facility of auxiliary bus with constraints of connecting the line to the Gantry through underground cable only in the switchyard within three (3) months.”*

**5.** A bare reading of the above said order shows that the prayer for refund of levy of 3% transformation losses was not considered or adjudicated upon.

**6.** The appellant filed a review petition (no.1544/2019) on 22.08.2019 seeking following reliefs:

- “ i) To provide for all the exemptions to the petitioner deemed to be a consumer of 132 kV from 10.10.2017 till connection at 132 kV level is provided to the Petitioner.*
- ii) To refund the excess amount claimed by JVVNL on account of transformer rent and transformation losses.*
- iii) To direct the respondents to make necessary arrangement to provide connection at 132 kV level along with the auxiliary bus, which would ensure un-interrupted supply to the Petitioner otherwise the*

*connection in higher load category, would be meaningless for the Petitioner.”*

7. The review petition was dismissed by order dated 19.10.2020 on the ground that no error apparent on the face of record had been shown.

8. It is pointed out that the first respondent (State Commission) has notified Rajasthan Electricity Regulatory Commission (Electricity Supply Code and Connected Matters) Regulations, 2021, on 17.12.2021 which have come into force from 25.03.2021, in terms of which the 33 kV line has been allowed to cater to a maximum load of 8 MW. Regulation 4.1(f) (ii) of the 2021 Regulations categorically provides for the HT connection of 33 kV for a contract load between 2500 kVA and upto 8000 kVA i.e. between 2.5 KW and upto 8 KW.

9. The appeal at hand assails the order dated 08.02.2019, on petition no.1371/2018, seeking the following reliefs:

*“(a) to set aside the impugned order dated 08.02.2019 passed by the Hon’ble Rajasthan Electricity Regulatory Commission in Case No. RERC-1371/2018;*

*(b) direct Respondent No.2 to refund the entire amount of Rs.2,39,49,566/- collected by it from the Appellant on account of transformation losses, along with an interest of 18% per annum till realisation, for the period from 10.10.2017 to 24.03.2021.*

*(c) direct Respondent No.2 to refund the amount of Rs.4000/- collected by it from the Appellant on account of construction of 132 kV line, along with the interest of 18% per annum till realisation.*

*(d) direct Respondent No.3 to refund the amount of Rs.59,000/- collected by it from the Appellant on account of construction of 132 kV line, along with an interest of 18% per annum till realisation.”*

**10.** Having heard the learned counsel on both sides, we find the grievance of the appellant to be correct to the effect that while adjudicating upon the petition no.1371/2018, the State Commission has glossed over the relief clauses concerning claim of refund of levy of transformation losses by the distribution licensee.

**11.** For above reasons, the impugned order is treated as incomplete adjudication on the petition presented by the appellant, some of the relief clauses having been ignored, there being no decision rendered thereupon. In these circumstances, we direct the State Commission to hear the parties further and pass necessary orders in accordance with law on the remaining relief clauses as mentioned above. Given the nature of the claim and the time which has lapsed, we would request the State Commission to accord priority and give its further decision in light of above directions within two months of the communication of the copy of this judgment.

**12.** The appeal is disposed of with these directions.

**Pronounced in open court on this 15<sup>th</sup> Day of November, 2022.**

**(Sandesh Kumar Sharma)**  
Technical Member

*pr/tp*

**(Justice R.K. Gauba)**  
Officiating Chairperson