

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2011 of GERC (CGRF & Ombudsman)

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No.MG- MG-III-11-2018--19
Complainant	M/s. L.N.Kokniwala, General Merchant & Rice Mill, Chipwad Bazar, Dabhoi, Dist: Vadodara
Respondent	Shri J R Baria, Deputy Engineer, Dabhoi s/dn of MGVL.
Date of hearing	06.11.2018 at MGVL, Corporate Office, Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Shri H R Shah, (RA&C) MGVL Vadodara

The complaint dated 16.10.18 regarding not to convert LTMD to HT connection and cancellation of HT Estimate thereof.

1.0 On 06.11.2018, the grievance of the complainant was heard before Consumer Grievance Redressal Forum wherein appellant/complainant Shri Irfanhusen Kokniwala (Partner), General Merchant & Rice Mill appeared for hearing whereas Shri J R Baria, Deputy Engineer, Dabhoi s/dn appeared as respondent on behalf of MGVL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 The said LTMD connection is in name of M/s. L N Kokniwala, General Merchant & Rice Mill , released on dtd.09.02.2005 is having Contract Demand 100 KW bearing consumer No.03304/02912/5 located at Plot No.37, GIDC, Dabhoi.

2.2 The complainant was issued HT estimate of Rs.799198.00 for catering New 150 KVA HT supply for exceeding Contract Demand four times during the FY 2017-18.

2.3 Complaint Redressal Committee (CRC) Gotri Circle had heard the consumer on dtd.10.9.18 and issued Order No. BCC/Tech/CGRF/18/6610 dated 27.09.2018 stating that HT estimate issued is in order and in accordance with the provisions of clause No.4.95 of GERC's Regulations, 2015 and MGVL Technical Circular No.75 dated 01.04.2016.

2.4 The aggrieved complainant not satisfied with the decision of Redressal Committee's Order then approached CGRF ,Corporate Office,Vadodara.

3.0 The complainant has represented the case as under:

3.1 The complainant contended that he is occupied in running business of rice mill which is of seasonal nature and operative for 4 months from Nov'18 to Feb'18. The plant remains closed for the remaining months. He agreed to



have exceeded the contract demand & further contended giving reason that he is having 2 units of rice mill and with an intent to save the overhead and maintenance cost, only one unit was under operation whereas the other unit was not in use and hence the maximum demand had exceeded the contract demand .

3.2 He further contended that there is recession in rice business and due to financial constraint he is not in position to pay the HT estimate issued .So requested before Forum to give appropriate decision in the matter . He further contended that he has immediately responded to the notice received and maintained the demand thereafter.

3.3 He has shown his readiness to give undertaking to maintain Contract Demand within permissible limit henceforth.

4.0 The respondent has represented the case as under:

4.1 Shri J R Baria Deputy Engineer, Dabhoi Town subdivision contended that the complainant has exceeded Contract Demand four times for more than 5% of the contract demand during the FY 2017-18. The maximum drawl history is as under:

Billing month	Contract Demand in KW	Maximum demand recorded in KW	% excess
November 17	100	125	25%
December 17	100	132.5	32.5%
January 18	100	135	35%
February 18	100	135	35%
	Average	131.87	

4.2 Accordingly, First notice was served to the consumer vide RPAD letter no.315, dtd.02.02.18 informing that the demand has crossed the contract demand for 3 times and further violation will lead to billing as per HT connection and to avail HT supply as per Technical circular no.75.

4.3 However, during the month of Feb'18 ,the maximum demand recorded was 135KW which was more than 5 % of the contract demand. As per the provision of clause 4.95 of Supply code 2015 wherein complainant is allowed to draw excess demand by 5% or more at least for four times during the financial year and hence last notice vide letter no. DBH-T/O&M/Bill/687 dtd.16.03.18 issued to the consumer to regularize the contract demand and apply for new HT connection within 30 days

4.4 As there was no response from the appellant within 30 days of the notice period, as per the provision of clause 4.95 of Supply code 2015 ,Suo motu proceedings to enhance and regularize the contract demand was initiated by field office, considering the average of four highest demand recorded during the FY 17-18 i.e. for 147 KVA .

The Estimate for catering New HT connection for 150 KVA (from Nov'17 to Feb'18) is considered and issued by SE(O&M) Gotri ,Circle vide letter No. BC/T.1/DE1/18/5081 dated 26.07.2018 having estimated amount of Rs.7,99,198/-.



4.5 The HT Estimate is not paid by the complainant and has approached CGRF vide application dtd.13.08.18 supported with relevant documents , to cancel the HT Estimate issued with an assurance to maintain the demand within limit in future.

4.6 He further contended that the maximum demand is recorded as 113.6 KW during the month of Oct- 2018 in FY 18-19, which is 13% excess of the contract demand.

5.0 The Forum Members present at the hearing have gone through the written submissions made by both the parties and at the time of hearing heard in detail further submissions made by both the complainant and respondents and minutely perused the papers which were on record and have arrived at the conclusion as under.

5.1 The complainant has crossed four times the contract Demand for more than the limit of 5% in the last Financial year 2017-18 from Nov'17 to Feb'18 and notice is issued to in this regard .

5.2 As there was no response from the complainant Suo motu process is initiated and HT estimate is issued for contract demand of 150 KVA as per Clause 4.95 of GERC's Electricity Supply Code Regulations, 2015, which is in order.

Clause No.4.95

....In case of HT, EHT and Demand Based LT connections, if the maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during last financial year, the licensee shall issue a 30-day notice to the consumer for submitting an application form for enhancement of load. If there is no response from the consumer by the end of the notice period, the licensee shall start the procedure for enhancing the consumer's contract demand to the average of four recordings of maximum demand shown by the consumer's MDI meter in the last financial year.....

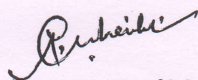
5.3 The complainant has to control his Maximum Demand as per his contracted demand and necessary steps would have to be initiated the very first time when notice was received. Despite assurance to maintain demand, the maximum demand recorded has exceeded the contract demand in the subsequent month of Oct'18 in FY 18-19.

ORDER

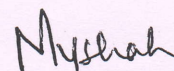
6.0 The Forum has arrived at the conclusion that the order issued to the complainant M/s. L.N. Kokniwala, General Merchant & Rice Mill, Chipwad Bazar, Dabhoi, Dist: Vadodara that HT estimate issued is in order and in accordance with clause No.4.95 of GERC's Supply Code Regulations,2015 .



(H R Shah)
Technical Member



(A G Shaikh)
Independent Member



(Smt Mala Y Shah)
Chairperson



PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. The Office address of the Ombudsman is : The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language

