

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-III-24-2017-18
Complainant	M/s. Larsen & Toubro Limited, L&T Knowledge City, N H No.8, Vill: Ankhol & Bapod, Dist: Vadodara
Respondent	Sujataben Bedekar, Deputy Engineer Jambuva s/dn of MGVCCL.
Date of hearing	06.04.2018 at Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Technical Member	Shri H R Shah, (RA&C) MGVCCL Vadodara

Brief of the case is as under:

- 1.0 Letter No.1926 dated 15,03,2018 from Superintending Engineer (O&M) MGVCCL Gotri Vadodara had submitted to review and reexamine the Forum order No.293 dated 16.04,2018 in respect of M/s. Larsen & Toubro Limited wherein Forum had ordered that M/s. Larsen & Toubro Limited, L&T Knowledge City, N H No.8, Vill: Ankhol & Bapod, Dist: Vadodara in view of request for reduction of load from 3400 KVA to 2400 KVA for physical merging of two metering points, first M/s. L&T shall have to complete the work as per their commitment and by June 2018 they will take this as Capex and DISCOM then may give effect of reduction of load on completion of physical work with the effect of reduction of load to be given from January 2018 i.e. after agreemental period over by Dec 2017.

Complainant further argued with the support of Order 47 of civil Procedure Code which provides that the aggrieved person must also prove that.

- New evidence has been discovered and it was not within his knowledge even after exercising due diligence or he could not produce the same before the court at the time of the decree/order was passed. This must be specifically proved.
- Where there is mistake or error apparent on the face of the record.
- Where there is some other sufficient reasons to allow for reviews.
- Where there is something again with a view to correction of improvement.



- e) Whether there is some injustice could be seen in the order after it has been passed. The power of review can be exercised for correction of a mistake and not to substitute a view. But the injustice should really apparent and should not have contradictory opinions. The reason is in itself that if there could be two view points in a case, the mistake is not that glaring or serious.
- f) Where there is mistake or miscarriage of justice. Review power can't be invoked casually until and unless there is something really obvious thing which has been missing or omitted in the judgment.

So under above arguments, further order cannot be reviewed.

In this context, the respondent Jambuva (O&M) Division had submitted that effect should be given after completion of physical work, replacement of CTPT etc and not by January 2018. This was submitted with the clause No.4.91 & 4.93 of Electricity Supply Code 2015 which states that metering and service line may be changed at the time of load reduction and cost is to be recovered from the complainant and effect of load of reduction to be given by date of extension.

In this particular case, M/s. Larsen & Toubro Limited, CTPT is required to be changed but DISCOM could not changed the same because of non-execution of non-physical merging of two HT connections bearing No.13678 & 13702, delay in replacement of CTPT is on account of consumer hence ***"actual effect of reduction of load may be given but only after physical completion of work"***.

- 2.0, Complainant in above argument further contended that they will adhere to their commitment for completion of work for which required preparation has been made at their end. Now, in earlier order, they are submitted that, there are two HT connections given by MGVCL one in 2011 and other in 2013. Now, at the time of additional load in 2015 nobody from DISCOM authority raise any objection for issues viz., contiguous of premise, entry gate, two connections in premises / merging etc so, at that time no such quarry and physical merging was raised. Immediately two connections ***"after merging on by billing and effect from April 2016 has been started"*** already so, now the issue of date of reduction of load effect after actual physical completion of work Jan-18 is lawful.

Further, in earlier Forum order, Forum has already ordered that effect of reduction of load should be January 2018 and they have submitted their written representation that under order, M/s. Larsen & Toubro Limited,

- 3.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that Forum

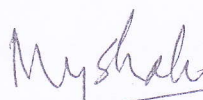


directs Madhya Gujarat Vij Co Limited to give effect of load reduction to complainant M/s. Larsen & Toubro Limited, L&T Knowledge City, N H No.8, Vill: Ankhol & Bapod, Dist: Vadodara, from 3400 KVA to 2400 KVA from 01.01.2018 on completion of their physical merging work. Review application Executive Engineer (O&M) MGVL Jambuva s/dn against Forum order No.293 dated 16.04,2018 of MGVL is quashed.

ORDER

- 4.0 Forum directs Madhya Gujarat Vij Co Limited to give effect of load reduction to complainant M/s. Larsen & Toubro Limited, L&T Knowledge City, N H No.8, Vill: Ankhol & Bapod, Dist: Vadodara, from 3400 KVA to 2400 KVA from 01.01.2018 on completion of their physical merging work. Review application Executive Engineer (O&M) MGVL Jambuva s/dn against Forum order No.293 dated 16.04,2018 of MGVL is quashed.


(H R Shah)
Technical 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

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>

