

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-18-2017-18
Complainant	M/s. Arihant Industries, 37/3 Delsar, Chakaliya, Dahod
Respondent	Shri V R Gupta, Deputy Engineer Dahod Town s/dn of MGVCCL.
Date of hearing	24.11.2017 at Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Harsha S Chauhan, Vadodara

The complaint dated 02.11.17 regarding refusing to hear & redressing the grievances by Consumer Grievances Redressal Forum.

On 24.11.2017, the case of Grievances the Complainant was heard before Consumer Grievance Redressal Forum wherein Shri A K Rokadiya alongwith Shri Kamlesh Jain, owner of M/s. Arihant Industries from complainant's side were present whereas Shri V R Gupta, Deputy Engineer Dahod Town s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief history of the case is as under:

1. The above complain is of the industrial category of 83 KW load situated at 37/3 Delsar, Chakaliya, Dahod, having consumer No.07910/50111/0 under LTMD category.
2. The said connection was checked in the year 2013 and found slow by 51.64%, for which bill of six months' period amounting to Rs..2,47,273.95 on 20.04.2013, out of which on 30.11.2013 party has paid Rs.1 lac against the supplementary bill on MRI data.
3. Party was heard on 11.04.2016 in Complaint Redressal Committee at Dahod and aggrieved to the CRC order, party had approached to Consumer Grievances Redressal Forum on 04.05.2016.
4. On 18.05.2016, revised supplementary bill of Rs.1,08,344.31 was issued on 23.06.2016. On 24.06.2016, balance amount of Rs.8344.31 was paid by the party vide cheque No.00830 dated 24.06.2016.



5. On 27.06.2016, party has represented before Consumer Grievances Redressal Forum. On 6.8.2016, CGRF has issued the order by revising the days on the basis of MRI from 73 days to 129 days and bill amount to Rs.2,14,285.84 from Rs.1,08,344.31. Party aggrieved to this decision and approached to Electricity Ombudsman & Electricity Ombudsman has issued order vide No.364 dated 10.10.2016 that order of CGRF was hold-true so party UNDER PROTEST paid balance amount of Rs.1,09,100/- on 25.10.2016.

The representative of the complainant contended that inspite of their repeated follow up & correspondences made at various level but his grievances were not acknowledged. Party had represented that they have main issues like (1) necessary arithmetical correction in the supplementary bill (2) Delayed payment charges and (3) implementation of clause No.56 (2) of Electricity Act, 2003 but till date nothing was heard.

The respondent contended that, to address his new grievances which were earlier not included in his original complaint. Therefore, Circle office of MGVL was asked to hear his grievances. Hence, on 16.06.2017 taking the base of the order of Godhra division office CRC held on 20.05.2017 ordered that (1) error in calculation of supplementary bill may be revised from Rs.2,14,285.84 to Rs.2,09,792.50 and (2) Delayed Payment Charges was also considered and CRC Godhra Circle office has exempted Delayed payment charges. Hence, party still continued to raise his third grievances regarding implementation of 56(2) of EA Act, 2003. Here, respondent submitted the fact that the issue of 56(2) was already heard and it was included in order that, since outstanding arrears was not adjusted to the party's account. As party had paid the payment under protest and preferred his case before CGRF & Ombudsman i.e. why 56 (2) is not applicable to his case.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that clause No.56(2) of Electricity Act, 2003, "now withstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of 2 years from the date when such sum became first due unless, such sum has been shown continuously as recoverable as arrear of charges for the electricity supplied and the licensee shall not cut off supply of electricity".

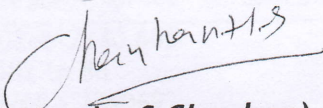
So in this case arrears of supplementary bill was continued by carrying forward for outstanding arrears & there was no settlement from the consumer end clause No.56(2) of Electricity Act, 2003 cannot be applied to his case.

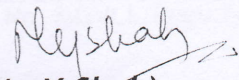
ORDER

The Forum has come to the conclusion that grievance of implementation of clause No.56(2) of EA Act 2003 cannot be applied in the case of M/s. Arihant Industries, 37/3 Delsar, Chakaliya, Dahod. Hence, respondent i.e. Deputy Engineer Dahod Town s/dn of Madhya Gujarat Vij Co Limited, is directed to take



appropriate actions as per Electricity Act, 2003 rules and provision of Electricity Supply Code 2015 and the stand taken under in CRC order of Godhra circle office, holds true so, with this order application has been disposed off of complainant M/s. Arihant Industries, 37/3 Delsar, Chakaliya, Dahod.


(Harsha S Chauhan)
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 under clause No.3.17 of CGRF & Ombudsman Regulations, 2011 that 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>

