

**BEFORE THE CONSUMER GRIEVANCES REDRESSALFORUM
MADHYA GUJARAT VIJ COLIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-I-07-2015.16
Complainant	M/s. Dilip Buildcon Limited, SB-1 Keshav Complex Susen Circle, Makarpura Road, Vadodara 390010
Respondent	(1) Shri S.S. Gandhi, DE, MGVCL, DO, Godhra (2) Shri A.A. Shaikh, Sr. Asstt. MGVCL, DO, Godhra (3) Shri R.V. Katara, DE, MGVCL, S/dn. Kakanpur. (4) Shri L.M. Rathod, Dy. Supdt.A/c s/dn. Kakanpur.
Date of hearing	08.05.15 at Vadodara & 21.05.15 at Nadiad & 29.05.2015 at Godhra

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri A G Shah, MGVCL

The complaint dated 27.03.2015 received on 27.04.15 regarding wrong calculation of temporary energy bills and payment of interest for delay.

On 08.05.15 at Vadodara & 21.05.15 at Nadiad& 29.05.2015 at Godhra, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri V.R. Kapoor, appeared on behalf of M/s. Dilip Buildcon Ltd., on 29/5/2015 whereas Shri S.G. Gandhi, Deputy Engineer, MGVCL, DO, Godhra and others from MGVCL appeared as respondent on all three days on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. Total five temporary connections released at Kun and Mahi River Bridge for construction of National Highway from Ahmedabad to Godhra.
2. These connections were made PDC in the year 2012 and 2013. The MGVCL has taken more time to finalize the bills.
3. MGVCL has not calculated the final bills as per the guideline of GERC and CE (T&O), MGVCL Corporate Office.
4. MGVCL has not submitted calculation sheet for security deposit and refund thereof.
5. MGVCL has sent the refund amount cheques to wrong address which received after long period.

The representative of the complainant contended that.....

1. The temporary bills should be finalized within 1 month from the date of disconnection of temporary connection but MGVCL has finalized in the current year i.e. 2015. The connections were disconnected in the year 2012 and 2013. Therefore, interest on refund amount for delayed period should be given to them.
2. They have paid energy bills regularly but arrears shown in the bills are wrong.
3. The calculation of final bills are not as per MGVCL Circular No. 55 dated 5/9/2014 regarding calculation of depreciation, transformer charges and supervision charges.
4. For temporary connections T-120 (27 KW load); as per rules, any arrears of the connections should be intimated to the consumer before finalization of bills but in this case no intimation was given by MGVCL.
5. Refund of deposit after adjusting final bill was given in two cheques instead of individual cheques for 5 connections. They received one cheque of Rs. 74,768/- but another cheque of Rs. 61,121/- is not received till to-date.
6. Temporary connection T-121 (5 KW load) as per the tariff guideline of the year 2010-11, 2 connections in same premises are required to be merged but MGVCL has not taken any action till to-date. He has also taken objection for the cost of material considered in final bills.
7. Temporary connection T-13, T-129 & T130 (70 KW load): After lapse of permissible maximum 2 years for temporary connections, they have asked fresh connections at same location. In final bill, though old material is not dismantled, MGVCL has counted the cost of material as if new connection given. So duplicate recovery of cost should be revised.

The Respondent contended that.....

1. Total 4 temporary connections were released in the year 2010 as T-120, T-129, T-121, T-130 and the same were disconnected in 2012. The 5th temporary connection T-13 was released in 2012 and it was disconnected in 2013. All these bills are finalized recently. The delay for finalization is due to late submission of document from Sub-division. The connections were released by the then Godhra Rural Sub-division. In 2010, Godhra (R) s/dn was bifurcated and necessary document related to the case were transferred from Godhra Rural to new Kakanpur Sub-division. The Kakanpur Sub-division at existing location was started in July-2013. From October-2011 to July-2013, Kakanpur Sub-division had worked at different places i.e. Godhra Power House Compound, then Timba, then Rampur Pharmacy

College, then transferred to present location. Due to above reasons, the finalization of temporary bills were delayed.

2. The consumer had requested to finalize temporary bills of their connections T-13, T-129 and T-130 jointly. T-129 and T-130 were disconnected in December-2012 whereas T-13 was disconnected on dated 05.10.2013
3. Cost of material accounting in final bills considered as per cost data published in the year 2012-13.
4. Regarding merging of connections in same premises is applicable to regular connections only. In instant case, these are temporary connections hence it is not applicable.
5. Temporary connection T-129 (70 KW load) was released on 29/12/2010 and made PDC from 29/12/2012 after completion of allowable maximum 2 years period. The complainant had applied for new connection at the same location and released on 30/12/2012 bearing consumer No: T-13 (70 KW load).
6. Circular No: 55 dated 5/9/2014 is not applicable in instant case as all connections were made PDC before that.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that delay in finalization of bills for temporary connection is due to late submission of required documents including material account by the s/dn to their division office. The reason given by respondent for late submission seems genuine i.e. due to frequent change of their office location. Delay for refund in case of T-129 & T 130 connections are due to instruction from consumer to finalize them with the connection of T-13. There is no malafide intentions observed. Regarding non-receipt of one cheque sent to the postal address of the complainant and also not received back by MGVCL, MGVCL should issue fresh cheque as early as possible after completing all legal requirements of the Bank and financial transactions. For merging of two connections, the reply given by the respondent at Sr No.4 above is considered by the Forum. The cost of materials are taken as per MGVCL cost data published in relevant period. While finalization of bills, the dismantled materials or reuse of material, the depreciation cost is required to consider as per prevailing rules at that time. The circular issued as guidelines in this regard in the year 2014 is after termination of the connections hence not applicable. While releasing new connection T-13 by utilizing existing infrastructure (of T-129 & T-130) new cost considered is not proper and required to revise.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to recalculate the final bills of temporary connection in respect of cost of depreciation of material dismantled OR re use. For T-129 erection cost & for T-13 dismantling cost only

one time of materials be counted in respect of M/s. Dilip Buildcon Limited, SB-1 Keshav Complex, Susen Circle, Makarpura Road, Vadodara.

(A G Shah)
Technical Member

(Harsha S Chauhan)
Independent Member

(P J Patel)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach 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>