

**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-II-19-2016-17
Complainant	Dr Sushma J Desai, Kharivav Road, Dandiya Bazar Vadodara
Respondent	Shri Amish Desai, Deputy Engineer, Dandiya Bazar s/dn of MGVCCL.
Date of hearing	21.10.2016 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay ACE (RA&C) MGVCCL Vadodara

The complaint dated 09.09.2016 regarding testing & slowness of meter, additional bill and order issued by CRC Baroda City Circle office.

On dated 07.10.2016 complainant had requested to postpone hearing vide his letter dated 03.10.2016 due to some work and on dated 21.10.2016, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jitendra Desai appeared on behalf of complainant whereas Shri Amish Desai, Deputy Engineer, Dandiya Bazar s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. Complainant having consumer No.16135/00358/5 having 21.5 KW load in NRGp tariff.
2. Grievances were heard on 20.08.2016 at Complaint Redressal Committee and order issued on dated 26.08.2016 but complainant not agreed with the contents of the order issued by CRC.
3. The complainant has raised the grievances to the CGRF vide his letter dated 09.09.2016.
4. As a routine check-up, MGVCCL had checked the meter on 11.07.2016 and reported 43.05% slowness.
5. The complainant has not agreed with the slowness of meter at the time of testing and without their consent MGVCCL officials had removed the disputed meter or installation of new meter was provided immediately.

6. MGVCL had issued an additional bill for Rs.94,258.13 with the notice to pay within 7 days.
7. The complainant had raised the grievances against additional bill as their past 3 years consumption is almost in same pattern.
8. Also, consumption recorded by new meter installed after said checking is having same pattern of consumption.
9. As per Standard of Performance, clause no.8.1 (b) and Supply Code, clause No.6.37, MGVCL has not opted accordingly.
10. Hence, requested the Forum to give natural justice as per GERC rules and regulations and their consumption pattern since last several years.

The representative of the complainant contended that MGVCL team had checked the meter on dated 11.07.2016 and reported 33% slowness. More further checking, it is reported 55 to 57% slowness and it was again checked by another MGVCL team and reported 44% slowness. Hence, it is doubtful for checking of meter performance as it given 3 different readings in each checking within period of 3 hours. He is running eye surgical hospital in Vadodara city. Their load is almost constant. He has not made any alteration or mischief with the system. Therefore, not agreed for charges against him for the slowness of meter. As per verbal talk with the MGVCL engineers, there was wrong wiring in the meter for which meter is recording 44% less.

He further contended that even after replacement of the meter, consumption remains same as per the past same period in last 2 years. Being a eye surgical hospital, variation in use of power to the extent 44% is not possible which proves from consumption pattern after installation of new meter. Being a Doctor, he is not aware of the electrical technology so he trusted MGVCL for action taken on 11.07.2016 and signed the papers of checking sheet. Therefore, he is asking natural justice from MGVCL and CGRF.

The respondent contended that consumer is having load of 21.5 KW and applied for additional 16.5 KW load i.e. 38 KW. The meter was checked for the accuracy on 11.07.2016 with the accuecheck meter and found meter running slow. All seals i.e. MMB, meter body seal and terminal cover seal were found intact. Upon detailed investigation, it was found that R & Y phase PT reversed. As per meter body, meter was tested in the month of 2005 at laboratory, meter is an old one ELASTER make meter. There is no record of the checking of the meter after replacement of the meter in Feb 2005. The respondent has submitted monthly consumption record from June 2010 to July-August 2016. MRI data was down-loaded from old meter are submitted but its analyse report is not submitted as he has very less time to analyse it before coming for the hearing.

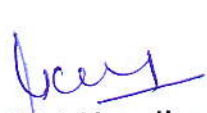
The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that complainant having connection since 25.02.1992. Contract load 21.5 KW NRGP tariff i.e on date of meter checking as per meter checking sheet No.241 dated 11.07.2016 reported 43.05% slowness. All seals connected with the meter system were found intact. As per respondent, R & Y phase PT connection were connected reversed as per meter body, meter tested in lab in the month of Feb 2005 it means that meter made replacement thereafter but not check till 11.07.2016. At the time of meter replacement after Feb 2005, concerned MGVL staff had made mistake for the said wrong connection. It means that this meter might have been recording slow since last replacement but detected on 11.07.2016. It requires to ask explanation of the concerned staff.

After replacement of the meter, consumption pattern of new meter and create slow meter is found more or less same. The complainant's demand for 3rd party, testing as per GERC supply code clause No.6.37 is not applicable in this case as meter is already removed from the installation. Meter itself is not defective but meter proves i.e. PT connection were found wrong connected. Therefore, that provision is not applicable. Also, after removal of the meter from installation, the complainant had not taken objection otherwise it would have arranged for either 3rd party inspection or parallel meter inspection. The new meter consumption cannot be exactly compared with the past meter consumption because in such cases consumption might have been intentionally reduced to prove the grievances. Therefore, such comparison cannot be considered for the decision. We may rely only on the standard calibrated accuecheck meter.

In view of the above discussion, the Forum is of the opinion that the matter in question has also not been checked since 2005 as stated in the above para that and moreover whose PT connections were made wrong so, the period of slowness is to be considered maximum as 180 days as per the provision made in amended supply code of GERC 6.34. Hence, supplementary bill to be preferred accordingly.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited that bill issued against slowness to the complainant Dr Sushma J Desai, Kharivav Road, Dandiya Bazar Vadodara, for 180 days is in order.


(B J Upadhyay)
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>