

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-IV-20-2018-19
Complainant	M/s. Vijay Sales, M Cube Mall, Jetalpur Road, Alkapuri, Vadodara
Respondent	Smt S H Parekh, Superintending Engineer (City) Vadodara, Shri N A Shah, Executive Engineer, Vishwamitry West Division of MGVL.
Date of hearing	30.01.2019 (Interim order given) & on 15.02.2019 both at Corporate Office, MGVL 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 28.01.2019 regarding Suomotu procedure carried out by MGVL leading to disconnection of supply causing inconvenience to operate without power supply hence requesting for reinstate of normal power supply immediately and to reconsider the conversion of existing LTMD connection into HT connection & waiving the charges included in the bill towards HT connection which is imposed upon as per suomotu procedure.

1.0 On 30.01.2019 Interim order was given vide letter No.21 dated 30.01.2019 to reconnect LT supply of M/s Vijay Sales, and accordingly, supply was reconnected on same day i.e. 30.01.2019.

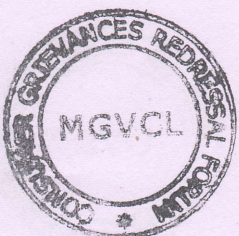
On 15.02.2019, the case to reconsider the conversion of existing LTMD connection into HT connection & waiving the charges included in the bill towards HT connection which is imposed upon M/s. Vijay Sales as per suomotu procedure was heard before Consumer Grievance Redressal Forum wherein Shri Chandresh Aashar appeared on behalf of complainant M/s. Vijay Sales whereas Smt S H Parekh, Superintending Engineer (City) Vadodara, Shri N A Shah, Executive Engineer, Vishwamitry West Division of MGVL 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 A L.T. Supply of 90.0 KW under LTMD tariff has been provided to M/s Vijay sales vide consumer no. 15105/02254/8 on 30.5.14 at Shop no. 101 to 116 & 201 to 216 of M-cube mall situated at Jetalpur road within the jurisdiction of Alkapuri sub division office.



- 2.2 During the Meter reading from March-16 to to December 18, the recorded maximum demand of the said connection was found exceeded to the tune of 101 KW to 143, KW than the contracted demand of 90.0 KW.
- 2.3 Accordingly, Alkapuri subdivision has issued notices to M/s Vijay Sales vide latter No. 3344 dated 21.10.16, 202 Dated 18.01.17 & 1708 dated 11.05.17 to regularize their load.
- 2.4 Final Notice was issued by Alkapuri Subdivision vide letter no.2308 dated 4.7.17 and Suomoto process initiated as no response received from M/s Vijay sales in this regard.
- 2.5 An estimate amounting Rs. 7, 97,006/ was issued vide letter dated 05.08.17 to M/s Vijay sales for conversion of its LT connection to HT connection through Suomoto process.
- 2.6 M/s Vijay sales vide letter dated 01.08.17 informed MGVCL that they have reduced their load and requested not to convert their LT connection to HT
- 2.7 MGVCL vide letter dated 5.8.17 informed M/s Vijay Sales that they have to pay necessary estimate charges within stipulated time to regularize their excess drawl as per GERC Supply Code 8.3.4 or otherwise it will be debited to their Energy Bill.
- 2.8 M/s Vijay sales vide letter dated 4.9.17 requested to corporate office, MGVCL, for reconsideration of conversion of LT to HT connection and waiving the charges included in the bill towards HT connection and also assured if error of similar kind occurs, they will abide the than rules towards HT connection and shall support in full co operation.
- 2.9 MGVCL vide letter dated 14.9.17 informed M/s Vijay Sales that their request cannot be considered and again requested to pay necessary estimate charges within stipulated time to regularize their excess drawl as per GERC Supply Code 8.3.4.
- 2.10 As payment of estimate charges made on 27.9.17, MGVCL vide letter dated 5.10.17, 27.10.17 & 9.1.18 requested M/s Vijay Sales for execution of agreement.
- 2.11 M/s Vijay sales vide letter dated 15.01.18 informed MGVCL that they have reduced their load by disconnecting 2 Duct ACs and requested not to convert their LT connection to HT. They also ensured for using power within the limit of 90.0 KW.
- 2.12 Two Months' Notice has been issued to M/s Vijay sales for submission of Test Certificate and necessary approval from concern electrical inspector for release of HT Connection vide letter dated 13.4.18 and accordingly connection was considered deemed release on 12.06.18 on expiring TMN.
- 2.13 Notice issued by VWD, MGVCL vide letter dated 21.7.18 to M/s Vijay sales regarding installation of Transformer within 15 days otherwise supply will be disconnected as per clause no.8.3.3 of supply code.
- 2.14 Consent given by M/s Vijay sales on 6.8.18 for installation of transformer within 10-15 days & requested to reconnect the disconnected supply.
- 2.15 Again Notice issued by VWD, MGVCL vide letter dated 27.8.18 to M/s Vijay sales regarding installation of Transformer within 3 days and execution of the agreement otherwise supply will be disconnected.
- 2.16 M/s Vijay sales vide letter dated 30.8.18 represented regarding lack of space and high risk factor at the space in the said building stating the reason that 1) soil is refilled soil and it is too weak to bear load of



- transformer 2) The corporation drainage line & drainage area over flows under the same area and is a concern for every rainy season. 3) Required space is not suitable for future maintenance.
- 2.17 Final Notice issued by VWD, MGVCL vide letter dated 3.11.18 to M/s Vijay sales regarding installation of Transformer within 7 days and execution of the agreement otherwise supply will be disconnected.
- 2.18 As instructed by our Competent Authority, DE, HT Corporate office was deputed on 13.11.18 for joint visit with the reference to consumer's representation regarding space constraint for installation of Transformer and associated electrical infrastructure to avail power at HT Consumer. Joint visit was carried out in presence of SE BCC, EE BCC, and DE VWD & DE Alkapuri S/Dn. As per the Joint inspection report, the 8 meter X 8 meter space is clear -cut available in south west part of the building where Transformer & Switchgear were installed for previous permanently disconnected HT Connection.
- 2.19 Accordingly again Final Notice issued by VWD, MGVCL vide letter dated 28.11.18 to M/s Vijay sales regarding installation of necessary equipments to avail HT supply within 7 days and execution of the agreement otherwise supply will be disconnected. It was also informed to M/s Vijay sales regarding availability of clear-cut the 8 meter X 8 meter space in south west part of the building where transformer & Switchgear were installed for previous HT Connection, which is presently covered by temporary shed.
- 2.20 Petition filed by M/s Vijay Sales in GERC for 1) Interim injunction of cancellation of the notice for LT to HT Suomoto 2) Permission of 3 months to curtail the LT demand & 3) Cancellation of Supplementary bills given in HT Tariff.
- 2.21 An agreement was executed by M/s Vijay sales on 10.12.18, but no action was taken by them regarding installation of Transformer and associated electrical infrastructure to avail power at HT Consumer.
- 2.22 The LT supply was temporarily disconnected on 4.01.19
- 2.23 On 30.01.2019 Interim order was given vide letter No.21 dated 30.01.2019 to reconnect LT supply of M/s Vijay Sales, and accordingly, supply was reconnected on same day i.e. 30.01.2019.

3.0 The representative of the complainant contended on 15.02.2019 that :

- 3.1 M Cube Mall building, (where Vijay Sales is occupant) is given notice from Corporation regarding parking space.
- 3.2 He further stated that the residents of nearby area have complained for the parking issues of vehicles coming at Vijay Sales.
- 3.3 It was further stated that during 2010, there was HT connection given for M Cube Mall and till 2013 only 2 occupants/ Owners of entire building were there.
- 3.4 Presently during 2019, 11 connections are existing of MGVCL and there is a multiple ownership. He further added that on 3rd & 4th Floor, there are chances that they can ask for the new HT Connection.
- 3.5 He further stated that since November-18, he has installed "demand controller penal". This panel will restrict the demand/ usage of Ms Vijay Sales well within the contracted demand and presently it is between 55 to 57 KW.
- 3.6 He had also mentioned that recently they have also received notice from Corporation for parking once again.



- 3.7 Mr. Chandresh quoted supply code 4.102 for exempting him for taking HT connection after taking minimum charges for Two years and refunding him SD amount.

4.102 -“If any Consumer terminates his Agreement within period of 2 years of the commencement of new or additional supply (or where no formal Agreement is tendered, if the Supply is not utilized for the period of 2 years which would have been applicable if an Agreement has been tendered), he shall be liable to pay the minimum charges for each month short of the period of 2 years specified in the Agreement or the stipulated period of 2 years in absence of any formal Agreement. Reduction of load to the tune of 10% of the sanctioned load specified in the agreement (formal or informal) should be allowed after 1(One) year after the date of the agreement without recovering minimum charge for such reduced load for the period short of the period of 2 years.”

- 3.8 Mr. Chandresh had also submitted his concern that as slab on which the Transformer would be installed in case for going for HT connection, the structural Engineer [Whom M Cube mall had consulted] has opined that no such Transformer can be kept on this slab as slab is only made for turning of the basement parking. Structurally it is not strong enough.
- 3.9 He further raised the concern regarding the Electrical Inspector's NOC.
- 3.10 He stated that the neighbor's land is disputed land & because of excavation carried out, land slide is observed in basement of M-cube building.
- 3.11 He also shown one video of water seepage in the basement of M-cube building.
- 3.12 He had also made and mentioned of fire which took place in his basement.
- 3.13 He reiterated the Clause 4.102 of supply code.

4.0 The respondent MGVCL had contended that :

- 4.1 The demand recorded in financial year 18-19 for the month May-18 to July-18 found to the tune of 106 KVA to 143 KVA which is much higher than earlier contract demand of LTMD connection i.e. 90.0 KW
- 4.2 As argued by M/s Vijay sales “soil is refilled soil and it is too weak to bear load of transformer” is not supported by any structural engineer certificate. When building is constructed from basement, the argument of the soil near building at ground floor is too weak to bear load of transformer is not found convincing.
- a. In response to the space constraint, “MGVCL side it was presented that in past, during 2010 [which was also mentioned by the consumer] there was HT connection for M Cube Mall.
 - b. The installation of Transformer was on the South West corner of the building and there is a trench and pipe facility to bring the cable from CTPT side [The DP of the CTPT is already erected on the South East corner of the building by MGVCL].

- 4.3 As per provision of supply code, 2015 clause no. 4.36, “the applicant shall make available to the licensee a suitable room or portion of land within



his premises for installation of the distribution transformer” in this case, being a HT consumer he has to provide suitable place for transformer and other equipment’s in its premises to avail HT power supply.

- 4.4 Joint visit dated 13.11.18 was carried out in presence of SE BCC, EE BCC, and DE VWD, DE HT corporate office & DE Alkapuri S/Dn. As per the Joint inspection report, The 8 meter X 8 meter space is clear-cut available in south west part of the building where Transformer & Switchgear were installed for previous permanently disconnected HT Connection.
- 4.5 Again on dated 30.01.2019, site was once again visited by EE (O&M) Vishwamitry (W) and photographs of space to be utilized for erection of transformer were taken and submitted with representation.
- 4.6 As regards the MD restriction it was communicated by MGVCL that in past even after giving repeated notice to the consumer & after repeated assurance given by consumer vide their letter referred below.

- a. As per letter of vijay sales Dt.1.08.2017 he is agree to reduce the load.
- b. Consumer assured if error of similer kind occurs, then abide to follow the rules towards HT connection.vijay sales letter dt 4.09.2017
- c. Consumer assured for using within limit of 90 kw. vijay sales letter dated 15.01.2018

Same could not be restricted which is shown in table below.

MONTH	2016-17		2017-18		2018-19	
	CONTRACT DEMAND	ACTUAL DEMAND	CONTRACT DEMAND	ACTUAL DEMAND	CONTRACT DEMAND	ACTUAL DEMAND
APRIL	90	91	90	93	90	85
MAY	90	111	90	108	90	106
JUN	90	121	90	119	90	104
JULY	90	135	90	120	90	115
AUG	90	0	90	139	90	0
SEPT	90	105	90	89	90	0
OCT	90	109	90	85	90	0
NOV	90	101	90	0		
DEC	90	101	90	95		
JAN	90	90	90	85		
FEB	90	85	90	72		
MAR	90	79	90	71		

NOW BILLING START IN HT CONS NO : 35707

MONTH	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18
CONTRACT DEMAND	120	120	120	120	120	120	120
ACTUAL DEMAND	136	143	95	92	90	93	97

- 4.7 It is also submitted by MGVCL that the figures of restricted MD of M/s Vijay Sales is in winter period & in summer it could not be ascertained, whether same will remain well within the contract demand or otherwise.



- 4.8 As regards parking space problem of M Cube Mall / Vijay Sales it was conveyed by MGVCCL that the same is logistic problem and have to manage by the occupier only.
- 4.9 For the point raised of supply code Clause 4.102 it is to submit that the said clause can be allowed only if consumer wants to make his connection PDC.
- 4.10 As regards NOC of the Electrical Inspector it was conveyed by MGVCCL that it will be the responsibility of the occupier to comply all the norms as per the Electricity Act 2003 for Electrical Inspector's NOC.
- 4.11 Supply Code clause 4.36 was quoted by MGVCCL.

Clause No.4.36:

"If the licensee is of the opinion that provision of supply requires installation of a distribution transformer within the applicant's premises, the applicant shall make available to the licensee a suitable room or portion of land within his premises for installation of the distribution transformer."

In this case, being the HT Consumer he has to provide suitable space for Transformer & other equipments in its premise to avail HT power supply.

At present HT Connection will be easily released at M Cube Mall without any space and safety constraints.

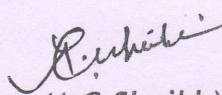
- 5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that consumer has not taken care to restrict maximum demand as per contract demand even after given assurance every year and also looking to the photographs submitted by respondent MGVCCL, complainant has to install transformer and its accessories to avail HT connection in his premises at suitable place.

ORDER

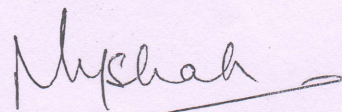
- 6.0 The Forum has come to the conclusion that complainant M/s. Vijay Sales, M Cube Mall, Jetalpur Road, Alkapuri, Vadodara, has to install transformer and its accessories to avail HT connection in his premises at suitable place and inform concern MGVCCL office with relevant documents / NOC of Electrical Inspector, Vadodara, within 30 days from the date of receipt of this order. The Forum also directs the respondent MGVCCL to inform complainant M/s. Vijay Sales, to submit necessary test certificates, NOC of Electrical Inspector, Vadodara, Test report etc., as per prevailing norms.



(H R Shah)
Technical Member



(A G Shaikh)
Independent Member



(Smt Mata 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>

