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-23-2016-17
Complainant	Shri Harishbhai Thakkar of M/s. Har Bholenath Rice Mill, 80/A, GIDC, Kansari, Khambhat, Dist; Anand
Respondent	Shri K.R. Soni, Executive Engineer(O&M), MGVCL, Petlad Division,
Date of hearing	18.11.2016 at Anand

QUORUM	NAME
Chairperson	Smt Mala Y Shah. Ahmedabad
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay ACE (RA&C) MGVCL Vadodara

The complaint dated 19.10.2016 regarding issue of additional bill for excess MD than contract demand.

1.0 On 18.11.2016, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Harishbhai Thakkar appeared on behalf of M/s. Har Bholenath Rice Mill, whereas Shri K.R. Soni, Executive Engineer (O&M), MGVCL, Petlad Division, appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1.1 The complainant Shri Harishbhai Thakkar that he was issued an additional bill for excess MD than contract demand of Rs.1,82,181.32. CRC has issued an order No.6290 dated 29.09.2016 stating that, the bill issued to him was in order in accordance to the provisions made in Supply Code 3.2 and 4.95 & 9.17. The party was not satisfied with the CRC order and approached to CGRF on dtd. 19.10.2016. The party was called by CGRF at Anand Circle on 18/11/2016 to represent his case.

1.2 The representative of the complainant contended that he is occupied in running the business of rice mill which is of seasonal nature, at first instance, he agreed to the bill issued by them which were as per the provision of GERC, but he pled that he has not received the notices in time otherwise he could have paid the same. Now looking to the constraint seasonal business and financial constraints, they may not be able to pay the same, so they appeared before the CGRF to consider their case and to obtain appropriate decision in the matter. They have agreed that in the financial year 2015-16 due to some error at their Factory end, the demand might have crossed for which they have been issued a bill, but the necessary relief may be given to them.

2.0 The Respondent Shri K.R. Soni, Executive Engineer (O&M), MGVCL, Petlad Division, contend that, relevant documents to the party were submitted to them, however, it was again shown all relevant documents to the consumer. Wherein it was observed that, time to time notices were issued to them regarding event of crossing the demand occurred. It was also explained that the bill was in line with Supply Code 3.2, 4.95 & 9.17.

2.1 So as stated in the above para, the notices served regarding crossing of maximum demand beyond 5% of contract demand. Hence, the events stated below occurred in a Year along with the notices issued as per 9.17 Clause.

Year 15-16.

Sr. No.	Month	Max. demand	Notice served
1	Aug 2015	106	Cby/Billing/2684dt 01.06.2016
2	Jan 2016	114	Cby/Billing/337 dt 22.01.2016
3	Feb 2016	110	Cby/Billing/1108 dt 08.03.2016
4	Mar 2016	106	Cby/Billing/1537 dt 31.03.2016

So as per GERC tariff order by grossing of 9.55% losses of the differential amount of bill was served of Rs.1,82,181.32 vide letter No.4115 dated 06.08.2016 by Cambay City.

3.0 The Forum Members present at the hearing considered contention of both the parties and perused the records & observed that party has crossed maximum demand for 4-times in a Year and the bill was issued accordingly. It is observed that the bill issued to the party is in order as per the directives of GERC supply.

Supply Code 3.2 which reads in abstract as " for installation with Contract Demand exceeding 100 KVA/kW and upto 4000 kVA/kW" system of supply should be "11 KV" & 22 KV 3 Phase, further in case of existing consumer drawing power at lower voltage, if due to additional requirement, they cross threshold limit of load, in such cases the licensee may, as far as possible, make commercially viable offer to the consumers so that he opts for the next higher voltage of supply viz. likely reduction in transmission and distribution losses, load reduction on transformers of licensee's system and their availability of meeting new requirement.

Similarly clause 4.95 reads in abstract as in case of HT, EHT & demand bases LT connection, if the maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during last financial year, the licensee shall issue a 30- day notice to the consumer for submitting an application form for enhancement of load. If there is no response from the consumer by the end of the notice period, the licensee shall start the procedure for enhancing the consumer's contract demand to the average of four recordings of maximum demand shown by the consumers MDI meter in the last financial year. ***In such case, the consumer shall be liable to pay all applicable charges as per provisions of this Code*** which restricts the percentage event & violation of 9.17 issue of Penalty bill, are observed by the MGVCL.

Similarly, Clause 9.17 reads in abstract that, if nay consumer commits more than one violation in the same service connection, each violation shall be dealt separately. ***The penalty shall be levied separately for each such violation, as applicable.***

4.0 At the time of personal hearing both the parties reiterated their contention which was already submitted in their written statement. In view of the above, & discussion thereon, the Forum is of the opinion that the additional bill issued to the party M/s. Har Bholenath Rice Mill, 80/A, GIDC, Kansari, Khambhat, Dist; Anand is in order and as per the line of the Supply Code No.3.2, 4.95 & 9.17 as described above.

ORDER

The Forum directs the complainant Shri Harishbhai Thakkar of M/s. Har Bholenath Rice Mill, 80/A, GIDC, Kansari, Khambhat, Dist; Anand, the bill issued of Rs.1,82,181.32, is in order.

(B J Upadhyay)	***(Ms Harsha S Chauhan)***	***(Mrs Mala Y Shah)***
Technical Member	***Independent Member***	***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