

**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-110-2014.15
Complainant	M/s. Indus Towers, 103, Baleshwar Square, S.G. Highway, Ahmedabad.
Respondent	Shri S.S. Mehta, Deputy Engineer of Nadiad City West Sub-division, MGVCL.
Date of hearing	06.02.2015,, 13.02.2015, 15/02/2015, 20/02/2015 & 27.03.2015 at Vadodara

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

The Complaint dated 31/01/2015 is regarding average billing for non-usages for Consumer No. 00202/09767/6

On 06.02.2015, 13.02.2015, 15/02/2015, 20/02/2015 & 27.03.2015 at Vadodara. On 20.02.2015 at Vadodara, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Mohsin Malek appeared on behalf of M/s. Indus Towers, working as GEB Coordinator whereas Shri S.S. Mehta, Deputy Engineer, Nadiad City West Sub-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. The complainant has consumer No. 00202/09767/6.
2. The mobile tower on the terrace of Jaldarshan Apartment is erected by M/s. Indus Towers but operated by M/s. Bharti Cellular Limited. The consumer is M/s. Bharti Cellular Limited having Consumer No. 00202/09767/6.
3. Madhya Gujarat Vij Co Limited has issued bill of Rs.7890 for the month of June, 2014 for consumption of 967 units. It also contains unjustified dues of Rs.1,19,557 for the period February 2014 to April, 2014.
4. As the Tower was non-operational from 13/01/2014 due to building owner's issue, the complainant asked Sub-division to correct wrong average charged for February to April, 2014 period.
5. The building owner's issue resolved and started to utilize power from 13/06/2014 i.e. M/s. Bharti Cellular Limited had not utilized power at this site form period 13/01/2014 to 13/06/2014. However M/s. Bharti Cellular

Limited had paid amount of Rs.1,20,783 under protest in order to reconnect the power at site.

6. Till date the credit adjustment for the above period is not passed by Madhya Gujarat Vij Co Limited.
7. It is requested to look into the case and provide proper justice.

The complainant remains absent on date 06/02/2015, 13/02/2015 and 27/03/2015. Shri Mohsin Malek, GEB Coordinator, on behalf of M/s. Indus Towers, remain present on 20/02/2015. The representative of the complainant contended that due to building owner's dispute the building owner had switched off power of mobile tower on 13/01/2014 and not allowed to enter in the premises. After several negotiations and new agreement with the owner, it was allowed to operate tower from 13/06/2014. They have not received average bills for February and March 2014. As power is completely switched off and mobile tower is not operated during this period, the average consumption charged by Madhya Gujarat Vij Co Limited is not proper and requested to the officer of Nadiad City West Sub-division to give credit adjustment as per rules. But till today no action has been taken by the concerned Sub-division. He also informed to the Forum that if required he will submit "site down alarm log details / outage detailed report".

The respondent contended that the bills for February and March 2014 were issued in time but due to problem between the building owner and operator of Tower, bills may have not been reached to M/s. Bharti Cellular Limited. While billing in April 2014, it was noticed that there is no display in the meter and hence considering faulty meter it was replaced on 06/04/2014. Initial reading of new meter was 106. Due to faulty meter having no display, MRI data could not be downloaded. The old meter was handed over to their meter laboratory. Meter reading difference generated by the computer for the month of February to April, 2014 was abnormal due to faulty meter and meter replacement status. The error was corrected in next billing cycle. As there was no proof for the incidents created at site as well as no display problem in meter, all subsequent bills issued to the consumer were as per average consumption, which is as per rules.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that the argument of the complainant for not receiving bills for February 2014 and March 2014 cannot be considered as it is the duty of the consumer to collect duplicate bills from Madhya Gujarat Vij Co Limited office in case of non-receipt of their regular bills. Instructions for the same are listed on the backside of energy bill. It is also the duty of consumer to bring the incident developed at site as well as power supply to the mobile tower switched off by the 3rd party. If it was informed to Madhya Gujarat Vij Co Limited, protection of meter could have been taken by the respondent.

The respondent has not preserved the old meter for further testing in presence of the consumer. As per rules, if there is dispute for payment in respect of energy consumption, respondent should not scrap meter till problem is resolved. In case of no display in the meter, meter could have been sent to the manufacturer to download the data, if internal circuits are not damaged.

However, as per the log sheet data submitted by the complainant on 05/03/2015, it is clearly observed that power supply was switched off from 13/01/2014 at about 20.34 hours. It is also showing unavail minutes of 1440 (i.e. 24 hours). It means that it is total power shut down to mobile tower for a longer period i.e. upto 12/06/2014.

In view of the above discussion and considering the above facts, the Forum is of the opinion that leaving the starting date 13/01/2014 for power failure, from 14/01/2014 to 12/06/2014 should be considered for billing purpose. The meter was replaced on 06/04/2014 so credit adjustment of average billing be considered for the period 14/01/2014 till replacement of meter.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to give credit adjustment for average billing charged for the period 14/01/2014 to 05/04/2014.

(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>