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-23-2017-18
Complainant	M/s. Larsen & Toubro Limited, L&T knowledge City N H No.8, Vill: Ankhol & Bapod, Dist: Vadodara
Respondent	Shri M D Rathwa, Executive Engineer, Jambuva division of MGVCL.
Date of hearing	22.12.2017 at O&M Circle, Gotri, Vadodara & 19.01.2018 at Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay CE (T&O) MGVCL Vadodara

The adjourned case of hearing on 22.12.17 was heard on 19.01.18. The main grievance of the complainant was getting effect of reduction of load.

On 19.01.2018 at Vadodara, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Sushil Das, Shri Rajendrasing & Shri Ashok Mogha appeared on behalf of complainant M/s. Larsen & Toubro Limited, L&T knowledge City, N H No.8, Vill: Ankhol & Bapod, Dist: Vadodara whereas Shri M D Rathwa, Executive Engineer, Jambuva appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief history of the case is as under:

- At the above site there are two HT connections bearing No.13702 having CD of 1900 KVA & released on 31.10.2013.
- Another connection in the same name, bearing No.13678. released on 19.09.2011 with CD of 1000 KVA which was enhanced to 1500 KVA by applying additional load of 500 KVA in December 2015.
- Meanwhile, merging of two connections were started from April 2016 onwards considering deemed merging and at present they are being issued a single consolidated bill of 3400 KVA, aggregate demand as per clause No.4.28 of Supply Code.

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The representative of the complainant contended that they have availed two new connections in 2011 & other in 2013. But still reduction of load not given under plea that party has not executed the required physical work for the same. For carrying out the physical work, they have submitted a request letter vide their office letter that "we are putting up Capex Budget sanction to our Management for laying 11 KV cable (appx 1 Km). We expect the Capex sanction shall be in next financial year. We expect we shall get the Capex sanction by by June 2018".

They had applied for reduction of load on 03.03.17 for 1000 KVA i.e. from 3400 to 2400 KVA because in con No.13678 having demand of 1500 KVA was not being utilized fully. They committed, in that connection there was an error in envisaging their future expansion. So, for that connection, they want to retain only 500 KVA. The approval of reduction of load was given on 12.6.17 with the condition that between two separate metering points they shall lay require electric line & MGVCL will remove one metering point. Party accordingly made the payment of Rs.35597/- vide MR No.10072 dt 29.07.17. However, party did not lay electric line to combine metering points into single metering point as per the conditions of approval letter No.MGVCL/RA&C/HT/LR/2595 dated 12.06.17. Moreover, two years agreement period for additional load of 500 KVA released in Dec 2015 for con No.13678 got over in Dec 2017. Hence effect of reduction of CD, is not possible before Jan 2018 as per the clause No.4.102 of Supply Code 2015. Conditions are already stated in approval letter.

The respondent contended that there is a vast open land between two connections and visible the two premises appear separate. The premises of two HT connections are demarcated by providing pakka boundary wall by the consumer. Thus, as per norms prevailing at that time, two connections were released. However, In Sept 2015, in amended Supply Code, Noti No.4 of 2015, at Clause No.4.28 re4ads as *"The Distribution Licensee will not provide more than one connection for one premise or in adjoining/contiguous premises belonging to same owner if these are not separated by a public road or by private premise. The consumers opting for second connection will have to produce separate legal entity documents such as separate Income Tax No/ Sales Tax No., ration card and rent or lease agreement.* Accordingly, MGVCL served a notice to the party on 04.03.16 and asked to submit the land documents for the open space between two premises. Party submitted the land documents on 07.02.17 which clearly showed that all the land survey in between the two premises_belong to same owner i.e. M/s. LT& Limited. Thus, the two connections are liable for merging.

Further, respondent contended that In the merging notice dt 4.3.17 it was clearly stated that since the Supply Code 2015 as come in force so under clause No.4.28 merging shall have to be done. On the basis of conditional load reduction approval, party was informed to comply the condition so as to carry out the physical reduction of load but party went on making correspondences with MGVCL that their two units are having two GST number. So under that conditions, there two connections should not be merged. Second point on which they made correspondences with MGVCL that who will lay the cable /

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electric lines between two metering points and bear the cost. These issues were under correspondences took time on party side. Finally, party submitted the letter dated 20.12.17 & email dt 04.01.2018 to MGVCL that in March 2018, while preparing the budget, expenses to be incurred by them shall be included in CAPEX and after approval by June 2018 they will complete the work.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that L&T is since multinational company & they have to get the approval from various authorities which can take time so their request for reduction of load can be granted subject to complying the condition of DISCOM.

ORDER

The Forum directs the complainant M/s. Larsen & Toubro Limited, L&T knowledge City, N H No.8, Vill: Ankhol & Bapod, Dist: Vadodara, first to complete the work as per their commitment i.e. by June 2018 & DISCOM may then give the effect of reduction of load as & when physical work is completed from January 2018.

Chauhan H.S   Mlyshah

(B J Upadhyay)	*(Harsha S Chauhan)*	*(Smt 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 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

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