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-I-09-2017-18
Complainant	Shri Manahar Chandubhai Sheth, Vivah Party Plot Village : Karamsad, Tal & Dist: Anand
Respondent	Shri V M Dave, Executive Engineer of Anand Division, MGVCL.
Date of hearing	19.05.2017 at Vadodara, 13.06.2017 at Anand, 14.07.17 at Vadodara & 18.08.17 at Anand

QUORUM	NAME
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay ACE (RA&C) MGVCL Vadodara

The complaint dated 21.04.17 regarding additional bill for the period from Oct 2011 to August 2014 raised by MGVCL on basis of points raised by Audit team from the office of Accountant of General, Ahmedabad, Gujarat.

Party was called on 19.05.2017 at Vadodara, 13.06.2017 at Anand & 14.07.17 at Vadodara, but he did not remain present for submitting his representation. Chairperson executed her powers and allowed the party to remain present for fourth time i.e. last opportunity. Finally, on 18.08.17 at Anand, the case of the Complainant Grievance was heard before CGRF wherein complainant Shri Manahar Chandubhai Sheth appeared himself whereas Shri V M Dave, Executive Engineer of Anand Division appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief history of the case is as under:

"Issuance of supplementary bills by Govt Audit Team for the period from 2011 to 2014 for not giving HTP-1 tariff bill."

1. There were two LT connections released in the same premises in 19.01.2010 with the load of 36 KW (LFD-II) & 56 KW (75 HP) in LTP-3 respectively, which were merged after issuance of circular No.49 & 49(A) of MGVCL. The total aggregated load with two differential tariffs in same premises works out to 92 KW which violates the GERC regulations for giving 2 connections in one premises. Further, every time, the actual load drawn was more than the Contract Demand i.e. every time he was over crossing the contract demand for which as per Tariff Schedule Penalty bill was being issued. As stated, frequent cautionary notices

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were served to the party to restrict the demand or to ask for additional load.

2. After notice issued on 27.12.2012 reminders were given to party on 03.09.2013 and on 30.06.2014, circle office was also asked for guidelines of merging LTMD connections of the said consumer as he was not coming forward for HT connection.

3. On 13.08.2014, final notice for availing HT connection was given. Finally, on 10.09.2014, HT billing was started for his two connections.

4. In Aug 2015, physical HT connection was regularized.

The complainant contended and argued that on first instance he has not received any said notices of 2012 otherwise he would have availed HT connection at that time. Further, he informed that regarding excess of MD every month, he has already paid penalty for the same regularly so why this additional supplementary bill issued to him which is not understood by him.

The respondent contended, explained and showed the record of the notices issued to him from 2012 to 2014 and HT billing was started from Sept 2014 and in 2015, finally physical HT connection was released.

Meanwhile, from the office of Principal Accountant General (E&RSA) Gujarat, there was an audit raised for these connections in which point "Recovery of release of 2 connections in same premises to a consumer which were released in Jan 2010 in the name of Shri Manahar Chandubhai Sheth, Vivah Party Plot, to be used for cultural purpose located Village : Karamsad, Tal & Dist: Anand, under different category i.e. LFD-2 & LTP-3 in the same premises (In Aug 2011, additional load of LFD-II from 36 KW to 80 KW & 75 HP to 90 HP in LTP-3 were released). Tariff of LTMD was for both connections converted in Sept 2011) with Contract Demand of 80 KW and 90 KW respectively.

<u>Observations of Government Audit</u>

1. Audit department has also observed that as per clause No.4.1.17 of Supply Code "The Distribution Licensee will not provide more than one connection/ meter for one premises. The consumers opting for second meter will have to produce separate legal entity such as documents of separate Income Tax No/ Sales Tax No. ration card and rent or lease Agreement." However, 2 separate connections were released to the said consumer to be used for party plot under name "Vivah Party Plot" without submission of documents for separate legal entity.

2. Audit department has also observed that as per clause No.3.5.1 of Supply Code "with the consumption of power has exceeded the limit of that category or any order of reduction or enhancement of Contract Demand has been obtained, the Distribution Licensee may reclassify him under

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3. In the audit, it is also mentioned that in Sept 2011, the connections were converted into LTMD tariff as load was above 40 KW Based on Technical Circular issued in July 2014 by the company for regularizing LTMD consumer whose demand exceeds 100 KW, the billing of these two LTMD connections from Aug 2014 to Aug 2015 under HTP tariff with applicable losses for network as per GERC order from time to time. In August 2015 both these 2 connections under HTP-1 was released.

   3.1 The two connections were reclassified into 2 separate LTMD connection i.e. under same category with combined Contract Demand of 148 KVA w.e.f. October 2014. In the absence of supporting documents for releasing 2 separate connections under same category, both connections should have been merged and consumer should have been reclassified under HTP category w.e.f. Oct 2011 as the combined Contract Demand under the same category was exceeding 100 KVA. Also, the consumer should have been billed under HTP tariff as per GERC order.

Actions by Government Audit:

However, billing for the two connections under HTP category started only after Aug 2014 resulting in loss of Rs.1.12 lacs (including Electricity Duty @ 25%) on account of losses for network ranging between 10.31% to 18.73% during the period from Oct 2011 to July 2014. Hence, in accordance to the audit raised by the Government, supplementary bill of Rs.1.12 lacs is issued.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that supplementary bill raised by the Audit Team is in line with the GERC directives.

ORDER

The Forum has come to the conclusion that the supplementary bill of Rs.1.12 lacs issued by respondent Executive Engineer, Anand, of Madhya Gujarat Vij Co Limited, to the complainant Shri Manahar Chandubhai Sheth, Vivah Party Plot, Village : Karamsad, Tal & Dist: Anand is in order.

Chauhan H.S

(B J Upadhyay)
Technical Member

(Harsha S Chauhan)
Independent Member

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,

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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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