

**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-05-2015.16
Complainant	Shri V.R. Kapoor, M/s. Mistry Metal Cast, Near Palihill Quarry, OPP: Dargah, Dakor Godhra Highway Road, At : Sevalia, Tal: Thasra, Dist : Kheda
Respondent	Shri N.P. Mali, Dy.Engr. MGVCL, Nadiad Circle Office & Smt. Lipi Kothari, Dy.Engr. MGVCL, Nadiad (R) Division.
Date of hearing	01.05.2015 at Anand

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

The complaint dated 20.04.2015 is for wrong estimate issued for additional load demand to M/s. Mistry Metal Cast.

On dated 01.05.2015, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri V R Kapoor, appeared on behalf of M/s. Mistry Metal Cast whereas Shri N.P. Mali, Dy.Engr. MGVCL, Nadiad Circle Office & Smt. Lipi Kothari, Dy.Engr. MGVCL, Nadiad (R) 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 M/s. Mistry Metal Cast having consumer No.05103/220/6 of 100 KW contract demand under LTP-III tariff (at present LTMD). The connection was released in the year 2007.
2. The complainant has stated in his complaint that (Company's) Induction Furnace Operating on 70KW load, but due to fluctuation of voltage and

number of transient trippings, the maximum demand is shooting up. Hence, MGVL authority is forcing them to switch over to HT supply tariff. M/s. Mistry Metal Cast have applied for extension of load to 200 KVA 11 KV HT supply for which an application registered on dt.20-2-2015 at Nadiad Circle Office.

3. M/s. Mistry Metal Cast had requested to purchase 200 KVA transformer by them but MGVL authority did not agreed for the same. If permission was awarded to them they would have purchased it and now it would have utilized for HT connection.
4. M/s. Mistry Metal Cast has also stated that they are ready to pay difference of transformer cost of existing transformer of 200 KVA and existing transformer may be given to them, so that they can use for their HT supply.
5. MGVL has given power to other industries from their 200 KVA transformer without taking their way leave permission. It is required to take such permission as per electricity supply code and related matters Section 4.1.4. Now in the estimate shifting cost of power supply to other industries is being recovered from them which is wrong.
6. While evaluations of new security deposit, MGVL have not adjusted old security deposit already paid. M/s. Mistry Metal Cast have asked for extension of load from 100 KW to 200 KVA for which GETCO charges covered in estimate is not proper. It should be recovered only for difference of KVA i.e. 66 KVA (200 - 134 KVA).

The representative of the complainant contended that they have 100 KW LTP-III connections since the year 2007. At that time, it was LTP-3 tariff now same is revised to LTMD tariff. Due to transient interruption their maximum demand (MD)

shooting up to more than contract demand. MGVCL authority is forcing them to switch over from LTMD tariff to HT tariff. Therefore, they have applied extension of load from 100 KW / 134 KVA to 200 KVA 11 KV HT supply. They have paid registration charges on 20-2-2015 vide M.R.No.041167. MGVCL has issued estimate on dated 4-4-2015 for which they have taken objection as under:-

1. GETCO charges are calculated for 200 KVA, but it should be 66 KVA i.e. 200 KVA minus 134 KVA.
2. As per supply code clause 4.1.4 the way leave permission for connection to other consumers not taken from their Company.
3. Considering their HT demand charges for shifting of line and transformer centre required for other LT consumers of Rs.2,23,846.43 in their estimate is illegal.
4. Their old security deposit is not adjusted in the revised security deposit which may be considered.
5. Adjusting TC structure should be used for CTPT installation and revised the estimate.
6. Refund of registration charges considering difference of existing load and additional revised demand. As per his calculation $200-134 \text{ KVA} = 66 \text{ KVA}$ and Rs.10/- per KVA arise Rs.660/-. MGVCL has recovered Rs.2000/-.
7. A letter to the representation as above dtd.1-5-2015 submitted during hearing to the Forum.

The respondent contended that the industrial connection having contract demand 100 KW was released in the year 2007 under LTP-3 tariff. As per LTP-3 tariff, the consumer can use power within allowable limits of 10% of contract demand i.e. up to 110 KW. The consumer is frequently crossing the allowable limit for which several notices were issued since year 2008. Recently due to crossing of allowable limit of maximum demand(MD) continuously a show cause notice issued on dated 1-10-2014. As there was no response from the consumer billing on HT

tariff started from Jan-2015. There after the consumer approached to MGVCL for their additional power requirement and their application for 200 KVA demand registered on 20-2-2015. Estimate for HT supply issued on 4-4-2015. On request of the consumer, copy of the estimate was given on dated 13-4-2015. The consumer has taken objection for the estimate issued on dated 15-4-2015 and same was point wise replied by MGVCL on dated 17-4-2015 through RPAD. The registration charges, GETCO pro-rata charges and other shifting charges are as per rules. Copy of these letters are submitted to Forum while hearing at Anand Circle Office. The conversion of 100 KW to KVA is 111 kVA and not 134 KVA as stated by the complainant.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that since the year 2008, the complainant has crossed the utilization of power more than permissible maximum demand i.e. 110% of 100 KW = 110 KW. The complainant is legally not allowed to use power continuously above the allowable limit. Therefore, notices issued by MGVCL are in order. By non responding these notices by the complainant the conversion of tariff from LTMD (old LTP-3) to HT tariff is also in order. The complainant has asked 200 KVA HT supply. Accordingly, MGVCL has issued an estimate.

The transformer charges paid at the time of LT supply was pro-rata charges. The transformer becomes the property of the utility i.e. MGVCL. In case of HT supply, the transformer is required to be purchase by the applicant and existing 200 KVA transformer being property of the MGVCL will be taken back to their store. The other consumers connected on the same transformer are now required to give power supply from other source. In the estimate issued to the complainant, MGVCL has proposed to install 63 KVA transformers to cater LT power to these other consumers. MGVCL has proposed to recover these charges i.e. 63 KVA transformer and connected other services from M/s. Mistry Metal Cast. These recoveries cannot be made from M/s. Mistry Metal Cast because at the time of LT

supply considering spare capacity of the transformer installed in the premises of M/s. Mistry Metal Cast other consumers were given LT supply in the interest of MGVCL for which pro-rata cost may have recovered from this consumer. Therefore, at that time MGVCL had saved separated transformer cost. Therefore, now it is the duty of MGVCL to continue LT supply to these other consumers by the way of system improvement.

The GETCO charges are applicable only for HT supply so at the time of 100 KW LT supply that charges was not applicable. Now the demand is for 200 KVA HT supply therefore, GETCO charges @ Rs.900/- per KVA is applicable and estimate issued accordingly is in order.

The demand of the Company was 100 KW i.e. 111 KVA(0.9 PF). Considering allowable maximum demand under LTP-III tariff next stage of transformer capacity falls for 200 KVA. Against the contract demand there was a spare capacity in the transformer, so at that time MGVCL had considered to give power supply to the nearby other LT consumers so that technical transformer losses can be reduced. The transformer installed near the boundary wall of the M/s. Mistry Metal Cast. By giving LT overhead line power to the other consumers practically there is no use of their area therefore as per supply code clause No.4.1.4 way leave permission may not have taken. However, this is very old issue and the grievance is not continued till date hence the Forum cannot hear such grievances which are of more than 2-years back.

The representative of complainant has taken objection to revise the structure of existing TC for which they have to bear extra cost. The respondent stated that, it was mutually agreed for the officer present at the time of survey for their convenience as it is obstructing for their day to day work. The representative of the complainant stated that, it is not required now and respondent agreed that technically CTPT units can be installed on existing structure and they have no

objection. In context this discussion, the MGVCL is required to revise the estimate.

Regarding registration charges, it is one time charge and applicable at the time of registration. At present the complainant has applied for HT power supply having 200 KVA demands which is altogether different from LT supply. Therefore, recovery of Rs.2000/- for 200 KVA is in order.

The representative of the complainant has represented that, they had manufacturing facility of FRP boxes so they can provide and install fencing to the CTPT units as required by MGVCL. In response to that, the respondent contended that it is special specification and design general order already placed to the third party to install fencing as and when required to have a uniform policy and uniform lay out of the structure hence installation by the applicant / complainant is not allowed. The Forum members have discussed the issue and agreed with the policy of MGVCL and no need to revise estimate for that.

Regarding adjustment of security deposit, the complainant has paid old security deposit of Rs.1,81,830/- and revised deposit is Rs.8,42,242/-. The respondent contended that old security deposit adjustment is not considered while issuing the estimate for new security deposit and further stated that it will be adjusted.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited as under:

- 1) Billing already done to HT tariff due to violation of permissible maximum demand is in order.
- 2) Delete the estimate of LT transformer 63 KVA and connected services required for other than M/s. Mistry Metal cast.
- 3) The power supply to other consumer from spared capacity of 200 KVA (LT) given by MGVCL is in order.
- 4) Revise the estimate for CTPT structure considering using of existing TC structure.
- 5) Registration charges recovered by MGVCL in order.
- 6) Development charges charged by GETCO to cater HT power is in order.

- 7) Fencing to CTPT unit for safety purpose and its policy for installation by MGVL is in order.
- 8) Adjust old Security Deposit (LT Supply) with new Security Deposit (HT supply).

(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>