CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well Notification No.2/2019 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-02-2023-24
Complainant	Shri Arul Chamaria, Director, M/s. V S Texmills Pvt Ltd., 341, 342, Govindpura, Kamla Chawkdi, Village : Kamla, Nadiad, Dist: Kheda
Respondent	Shri K M Shah, Executive Engineer, Nadiad City Division, MGVCL.
Date of hearing	27.04.2023 at Corporate Office, MGVCL

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri K B Dhebar, (RA&C) MGVCL Vadodara

The complaint dated 17.04.2023 regarding suomotu estimate of Rs.6,69,438.52 for additional load levied in the month of Feb 2023.

1.0 On 27.04.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Arul Chamaria, Director, appeared on behalf of complainant M/s. V S Texmills Pvt Ltd., whereas Shri K M Shah, Executive Engineer, Nadiad City division appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 The complainant M/s. V S Texmills Pvt Ltd., is having 290 KVA HT load released on 09.09.2011 by Nadiad (City) Division, MGVCL under Nadiad (O&M) Circle.

2.2 The complainant has crossed their load demand as under:

Billing month	CD in KVA	Actual demand in KVA	%age excess drawal.
July 22	290	348	20.00
Aug 22	290	347	19.66
Sept 22	290	367	26.55
Oct 22	290	344	18.62

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2.3 Notice has issued to complainant vide No.NCD/Rev/HT/Excess Demand / 5932 dated 12.11.2022 and 30 days/ notice period was expired on 11.12.2022.

2.4 Suomotu estimate issued vide No.NC/Tech.1/HT to HT / Suomotu/ 7961 dated 20.12.2022.

2.5 On completion of time limit of estimate on 06.01.2023, an amount of Rs.6,62,502/- debited for in consumer account on 15.02.2023

3.0 The representative of the complainant contended that

3.1 On 27.02.2023, he called up the billing section as he didn't receive the bill on 15.02.2023. So, he received the invoice on the due date i.e. on 27.02.2023, he realized that he had been charged extra sum of Rs. 6,69,438.52. On inquiring, he came to know that it is some estimate charges which they were not intimated at all.

3.2 On 10.03.2023, they received a response by Executive Engineer, Nadiad City Division, MGVCL mentioning that they had intimated us for the same but we didn't comply. Along with it they sent the copy of letter dated 20th December 2022 which included the Estimate charges letter. First time on 10.03.2023, they received the estimate charges via email and hard copy on 12th March 2023.

3.3 Their unit is already closed under order by Gujarat Pollution Control Board and is not going to be functional for a long time. MGVCL disconnected the 3-phase supply on 27.01.2023 and kept the electricity working for Single Phase. They are already paying the minimum charges for the load availed as on today. So why to increase the load when the existing is not put to use as on today.

3.4 On 10.04.2023, they received a notice under Section 56 Dated 28.03.2023 from Executive Engineer (O&M), MGVCL Nadiad stating if they don't pay the outstanding amount, the electricity supply would be cut off without any notice. They have already cleared all the outstanding amount except the estimate charges of Rs. 6,69,438.52. They are already paying the monthly

Minimum charges so disconnection should be avoided till the time this complaint is resolved at the respective forum.

3.5 If the electricity is disconnected, there would be SECURITY ISSUES as the place is bit deserted. Expensive parts, instruments, machines etc are lying in the premises due to disconnection it would be under HIGH RISK OF THEFT. Not only are this but there high chances of NUISANCE and CRIMINAL ACTIVITIES.

3.6 Their request is in future if they start or use, they undertake that they would increase the load as per MGVCL guidelines. They would pay the estimate charges at that time. So kindly consider the same. As on date there is no hope to start the unit as it's very difficult to manage the compliances under GPCB. They are already overburdened with the minimum usage invoice which we are somehow managing to pay. They are in deep financial crisis as the factory is closed.

3.7 They would request Forum MGVCL to stay the disconnection till the time decision is given by Consumer Grievances Redressal Forum.

4.0 The respondent contended that -

4.1 The complainant has drawal excess demand for 5% or more from Oct 22 to Feb 23 as per section 4.95 of GERC Supply Code 2015, suomotu process has been initiative for increase in contract demand from 290 KVA to 355 KVA.

4.2 Since complainant did not respond for suomotu estimate issued on 20.12.2022, the estimate charges have been debited in the HT bill for the month of Feb 2023.

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4.3 The power supply to their unit was disconnected as per GPCB order dated 27.01.2023.

4.4 The complainant is paying minimum charges and requested to cancel suomotu estimate.

5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and considering them in detail, findings are as under:

5.1 As per available record and submission by respondent & complainant, it was confirmed that the maximum demand was recorded in excess of contract demand by 5% or more for four times during financial year 2022-23, the respondent MGVCL had issued 30 days' notice to the consumer for submitting an application form for enhancement of load.

5.2 It was observed that due to non-response of the consumer by the end of notice period, the procedure for enhancing the contract demand from 290 KVA to 355 KVA HT and estimate issued in accordance with clause No.4.95 of GERC Supply Code 2015 by the respondent is in order.

Review of Contracted Load/ Sanctioned Load Contracted Demand

In case of HT, EHT and Demand Based LT connections, 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 consumer's 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 for regularization of the enhanced demand. The enhanced demand will be considered as revised contact demand on receipt of such charges and all provisions of agreement shall be applicable to such consumers for revised contract demand.

In case of non-Demand Based LT connections, review of Contracted Load/ Sanctioned Load shall be carried out once in a financial year and if it is found that connected load on such type of connection is 25Yo or more than the Contracted Load/ Sanctioned Load in case of Residential Consumers and l0%o or more than the Contracted Load/ Sanctioned Load in case of other categories of consumers, the licensee shall issue a 60-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 Contracted Load/ Sanctioned Load to the load found at the time of inspection. In such case, the consumer shall be liable to pay all applicable charges as per provisions of this Code for regularization of the enhanced load. The enhanced load will be considered as revised Contracted Load/ Sanctioned Load on receipt of such charges and all provisions of agreement shall be applicable to such consumers for revised Contracted Load/ Sanctioned Load.

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5.3 The Forum considered the contentions of the complainant and the Respondent and the facts, statistics, and relevant papers, which are on records, and considering them in detail, the findings are as under.

5.4 The complainant prayed that he wanted to continue consumption of electricity as per the contracted demand of 290 KVA and he doesn't require additional HT connection as per the contract demand of 355 KVA as proposed by the respondent.

5.5 During the hearing, the complainant stated that they agreed to pay the demand charge for a period of 2 years, subject to the difference between the contracted load of 290 KVA and the demand of 355 KVA as per the suomotu estimate issued by the Respondent under the HT Tariff.

5.6 The action initiated by the Respondent to serve notices to the complainant to regularize the contract demand is also seen and by that way chance for the regularization of the contract demand was provided to the complainant. Excess demand records were intimated to the Complainant to control its contract demand or to avail the additional demand by the Respondent.

5.7 The power supply to the unit is under disconnection as per order of Gujarat Pollution Control Board, Gandhinagar. In these circumstances, the complainant did not want to avail additional load.

5.8 In such type of cases, when the complainant had consented to the payment of two year minimum charges against the Differences of the contracted demand with the contract demand worked out under Suomotu proceeding by the Respondent, it is to look into the order passed by the ombudsman in a similar type of cases. Previously, the ombudsman had observed the merits in -

(1) Case No. 46/2021 - Darshan A Shah, order dated. 13.12.2021
(2) Case No. 01/2022 - Dura Plast, order dated.16.06.2022
(3) Case No. 48/2022 - Arvindbhai B Patel, order dated 18.02.2023 and
(4) Case No. 20/2022 - Shri Gobind Nutritions Pvt Ltd, order dated 14.03.2023

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and passed order in the respective cases. This case is having similar nature and the aforesaid direction is needed to apply here for the delivery of natural justice.

ORDER

6.0 The Forum Members present during the hearing considered contentions of both the parties and has come to the conclusion that -

6.1 The procedure for enhancing the contract demand from 290 KVA to 355 KVA HT and estimate issued by respondent MGVCL in accordance with clause No.4.95 of GERC Supply Code 2015 is in order in respect of complainant Shri Arul Chamaria, Director, M/s. V S Texmills Pvt Ltd., 341, 342, Govindpura, Kamla Chawkdi, Village : Kamla, Nadiad, Dist: Kheda.

6.2 In view of the complainant's request, the Respondent shall collect the minimum charges of two years for the difference between the contracted load of 290 KVA and the demand of 355 KVA in connection with the complainant and continue power supply under the 290 KVA HT Connection of the complainant. If the complainant drawls demand exceed more than 5% of the contracted demand in the aforesaid HT connection, the contract demand shall be covered under clause no. 4.95 of the GERC's Electricity Supply code and related matters Regulation-2015 and regularize the contract demand of the complainant by taking the specific action immediately as per the aforesaid Provisions.

6.3 On submission of undertaking by complainant to respondent that they will keep their demand within the contact demand of 290 KVA and ready to pay minimum charges of two years, Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 290 KVA to 355 KVA HT shall be considered as deemed cancelled on receipt of minimum demand charges of two years.

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SPTrivedi

(K B Dhebar)
Technical Member

(S P Trivedi)
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.3.19 (viii) of GERC Notification No.2 of 2019.

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

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