

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-10-2024-25
Complainant	Mitaben Vikrambhai Patel, B/h Galaxy Petrol Pump, Village ; Sojitra, Tal: Sojitra, Dist: Anand
Respondent	Shri Sneha Patel, Dy Engineer & Shri Vishal Chanchad, Junior Enginee, both from Sojitra s/dn MGVC
Date of hearing	15.06.2024 Corporate Office, MGVC Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri B J Desai, (RA&C) MGVC Vadodara

The complaint dated 07.05.2024 (received on 20.05.2024) regarding review of the order dated 29/04/2024 made by C G R F Corporate Office, MGVC Vadodara-refund of excess Security Deposit, consumer No.04701/06225/1.

1.0 On 15.06.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri G R Darji representative & Shri Achyut Patel son, appeared on behalf of complainant Mitaben Vikrambhai Patel, whereas Shri Sneha Patel, Dy Engineer & Shri Vishal Chanchad, Junior Enginee, both from Sojitra s/dn appeared as respondent on behalf of MGVC before the Forum. Both the parties were heard

2.0 The brief history of the case is as under:

2.1 The complainant had demanded new connection of 6.5 KW under NRG, at B/H Galaxy petrol pump village Sojitra and FQ issued on 7.9.2016.

2.2 The estimate approved as per C type with augmentation of transformer from 10 KVA TO 25 KVA with 0.065 Km LT ABC:

Particulars	Qty	Rate	Total
Service connection charge	1	6870	6870
Transformer augmentation charge	1	39198	39198
Lt line 3ph 4 wire	0.065	315415	20502
Total			66570



2.3 The Estimate issued to the complainant was as under:

Item	Qty	Total
Fix charges	1	12000
Adjustment of fix charge	1	54570
Agreement Charges	1	100
Security Deposit	1	4520
Total		71190

2.4 The connection of 6.5 KW was released with consumer No. 04701 /06225/1.

2.5 The complainant had applied for load addition on 8/9/ 2023 from 6.5 Kw to 38 Kw and FQ Issued of 13-09-2023 of fix charge and security deposit and agreement charge as under.

Item	Qty	Total
Fixed charges	1	28800
Agreement charges	1	300
Security deposit	1	136298
Total		165398

3.0 The representative of the complainant contended that-

3.1 The complainant is in receipt of the Order of CGRF – MGVCCL in Case No.MG/ IV/28/ 2023-24 for hearing made on 27/03/2024 vide above reference letter. Looking to the contents of the order matter and their representation made, they felt that the matter is not properly examined verified with the records which is available with MGVCCL which is not available with them except estimate served for 6.5 KW load.

3.2 According to Gujarat Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019 Notification No.2 of 2019, Review of Order section 2.64: which reads as below Review of Order.

2.64. Any person may file an application for review of order before the Forum, on ground of discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent on the face of the record within thirty (30) days of the date of the order, as the case may be.



2.65. The applicant shall in the application for such review clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or amid- not be produced by him at the time when the order was passed or the mistake or error apparent on the face of the record: The application shall be accompanied by such documents, supporting data and statements to substantiate such review.

2.66. When it appears to the Forum that there is no sufficient ground for review, the Forum shall- reject such review application: (Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard:

2.67. When the Forum is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard:

2.68. The Forum shall pass the order on the review application within a maximum period of 30 days from the date of receipt of the review application by the Forum; (Provided that in the event of review application of being disposed of after the maximum period specified above, the Forum should- record in writing, the reasons for the delay in the review order.

3.3 In view of above, their representation for review of the Order made by Consumer Grievances Redressal Forum Madhya Gujarat Vij Company Limited may be considered.



3.4 Their representation for review of the Order made by CGRF MGVCL is supported with the prevailing regulations of GERC.

3.5 They would like to draw attention toward Gujarat Electricity Regulatory Commission (GERC) Licensee's power to recover Expenditure incurred in Providing Supply and Other Miscellaneous Charges Regulations 2019

Notification No.9 of 2005 Dated 31/03/2005. The Section 4.2 (1) reads out as under.

4.2 (i) In case of applications where there is a need to erect new electrical plant such as distribution transformer PTV along with switch-gear etc., for extending supply to the applicant for Low Tension connection, the licensee shall estimate the cost of electrical plant as follows:.

Cost of the works of erection of DI ,including switchgear (in Rupees) =

P Rated capacity of Drltkin KVA = Q

Cost per KVA (in Rupees) = PA?,

Contracted load in KVA of the applicant =

Amount payable by applicant towards electrical plant (in Rupees $K*6P/Q$)

In case of applications when the capacity of existing electrical plant (such as DTR and switchgear etc) is required to be augmented, the differential cost of existing and new such electrical plant will form the basis of calculation of prorata charges. In all cases, the estimate of the cost of electrical plant shall be based on the latest cost data as published by the distribution licensee.....”.

3.6 According to above, the charges should be recovered as under of prevailing rate of technical Sanction No.3693079 - 28083999-1475942 -7 Sept 2016 Given for 6.5 KW Difference of Cost of 10 KVA T/c to 25 KVA T/C x 6.5 KW = 0.9 (25-10) KVA.

The present Cost Data of MGVCL for FY 2022-23 which are as under:

Sr No.	Trans Centre Capacity	Cost of Trans Centre Capacity	Cost of Transf in Rupees
1	25 KVA 11 KV / 0.433 KV	102187 Double Pole	48800
2	16 KVA 11 KV / 0.433 KV	79179 Single Pole 100238 Double Pole	39900
3	10 KVA 11 KV / 0.433 KV	79011 Single Pole 99530 Double Pole	39900
4	5 KVA 11 KV / 0.250 KV	79792 Single Pole 97311 Double Pole	40800



According to Cost Data of MGVCL for FY 2022-23, the augmentation charges
= The Cost of 25 KVA T/C - Cost of 10 KVA T/C
= 102187 - 99830
= 2357

Charges to be recovered as per section 4.2(z of Gujarat Electricity Regulatory Commission (GERC) Licensee's Power to recover Expenditure incurred in Providing Supply and Other Miscellaneous Charges Regulations 2019 Notification No.9 of 2005 arrives = $2357 \times 6.5 = 0.9 = 1702.27$ Say 1702, (25-10)

3.7 Also, considering the para of 2 of the Circular of GERC No.GERC/Tech1 /2014/1371 dated 24/6/2014 the entire cost of augmentation Rs.2357 are recoverable.

3.8 Considering the cost of Data at time of sanction about 8 years back, it would be less. In view of above, it is requested to review the order made as per above ref. dated 29/4/2024. Dated 1-1-2024

3.9 They adhered to the prayers made in our representation through Annexure 1 Dated 1-12-2024

4.0 The respondent contended that -

4.1 The complainant had demanded new connection of 6.5 KW under NRGp, at B/H Galaxy petrol pump village Sojitra and FQ issued on 7.9.2016 & the connection of 6.5 KW was released with consumer No. 04701 /06225/1.

4.2 The charges recovered for 6.5 KW new connection was recovered based on actual cost or "KW based" fixed charges whichever is higher with ceiling of Rs.1 lac.

4.3 The estimate approved as per C type with augmentation of transformer from 10 KVA TO 25 KVA with 0.065 Km LT ABC:

Particulars	Qty	Rate	Total
Service connection charge	1	6870	6870
Transformer augmentation charge	1	39198	39198
Lt line 3ph 4 wire	0.065	315415	20502
Total			66570



4.4 The Estimate issued to the complainant was as under:

Item	Qty	Total
Fix charges	1	12000
Adjustment of fix charge	1	54570
Agreement Charges	1	100
Security Deposit	1	4520
Total		71190

Total Estimate issued of amount 71190 on date 7-9-201 in line with circular MGVCL/Tech/2206 Date: 02.08.2016.

4.5 The complainant had applied for load addition on 08 September 2023 from 6.5 Kw to 38 Kw and FQ Issued of 13-09-2023 of fix charge and security deposit and agreement charge as under.

Item	Qty	Total
Fixed charges	1	28800
Agreement charges	1	300
Security deposit	1	136298
Total		165398

4.6 At the time of additional load, Estimate with fixed charge issued based on letter No. MGVCL/T&O/ OS Gamtal/2391 Dtd 02.08.2022.

4.7 Security deposit for 38 KW load was Rs. 140818/- & Paid security deposit for 6.5 KW was Rs. 4520/- & Difference of the Security deposit Rs. 140818-4520 = Rs.136298/- was charged from the respondent at the time of additional load.

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 The MGVCL CGRF in its order dated 29.04.2024 concluded as under:



7.1 The Estimate issued for Transformer augmentation charges from 10KVA to 25 KVA for outside gamtal connection at the relevant time is in order as per H'ble GERC letter No. 1378 dtd 24.01.2014, wherein DISCOMs were allowed to recover actual cost as per latest cost data subject to maximum amount of Rs. 1 lakh. No excess charge is recovered.

7.2 The security deposit for 38 KW NRGP connection re-verified and accordingly Security deposit for 38 KW is Rs. 137645/- & hence excess security deposit Rs. 3173/- is to be refund.

7.3 Interest on security deposit is being paid every year as per GERC Security Deposit Regulation, 2005 & hence no additional interest to be paid on refund of security deposit Rs. 3173/-.

5.2 As per order, the respondent has refunded excess security deposit of Rs.3173/- in complainant's bill on 13.06.2024.

5.3 The complainant has demanded review of the order for refund of estimate amount for 6.5 KW load.

5.4 As per submission by the respondent, the estimate charges recovered based on cost data effective from 15.08.2015 and as per letter No.1378 dated 24.01.2014 of GERC Gandhinagar.

5.5 Looking to clarification by the respondent under clause No.4.4 above, there is no need to review the order dated 29.04.2024.

ORDER

6.0 The Forum has come to the conclusion that there is no need to review the order dated 29.04.2024 issued to complainant Mitaben Vikrambhai Patel, B/h Galaxy Petrol Pump, Village ; Sojitra, Tal: Sojitra, Dist: Anand.


(B J Desai)
Technical Member

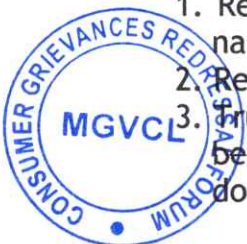

(S P Trivedi)
Chairperson

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

