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-12-2024-25 -
Complainant	M/s. Newton Equipments P Ltd., 864/A GIDC Makarpura s/dn, Vadodara
Respondent	Shri H M Prajapati, Dy Engineer, Makarpura s/dn of MGVCL.
Date of hearing	15.06.2024 Corporate Office, MGVCL Vadodara

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

The complaint dated 07.06.2024 regarding to cancel suomoutu estimate for LT to HT connection.

1.0 On 15.06.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Ravi Vikram, Managing Director, appeared on behalf of complainant whereas Shri H M Prajapati, Dy Engineer, Makarpura s/dn 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 M/s Newton Equipment Pvt. Ltd., is having a contract demand of 75 KW LTMD tariff bearing consumer No.14212/64184.4 for their unit located at Shed No. A-864-GIDC, Makarpura, Vadodara

2.2 Complainant had crossed MD for five 5 times the permissible limit during FY- 2022-23 as under,

Sr No	Month	Contract Demand(KW)	Actual Maxm. Demand(kw)	Remarks
1	APR-22	75 KW	105.3	Excess 40.4%
2	JUL-22		129.9	Excess 73.2%
3	AUG-22		130	Excess 73.33%
4	OCT-22		133.9	Excess 78.53%

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2.3 As up to the month of Mar-23, the consumer had crossed 4 times the permissible limit of maximum demand, notice was issued by MGVCL to complainant on 14.12.2022

2.4 As the consumer had not turned in for any action at their end regarding enhancement of load, as per clause no 4.95 of supply code 2015, sumomotu Estimate amounting to Rs. 12,33,491/-was issued on 11.01.2024 for 139 KVA HT load.

2.5 Estimate was not paid by the consumer and Estimate amount debited in the energy bill for the month of May-24.

3.0 The representative of the complainant contended that -

3.1 The complainant has received suomotu notice dated 24.05.2024 regarding estimate payment. The complainant has stated that, the company was established in 1984 and they are in business is fabrication of pressure vessel and tanks.

3.2 Earlier company has HT connection, but company become NPA in 2017 and since last many years they have not enough work at shop level as well as site level also, they reduced their strength and work both as resulted electricity consumption/ load reduced, so they are not in need of HT connection and converted from HT to LT.

3.3 They stated that the company equipment's are very old thus sometimes when they use it the old instrument consumed more electricity and that time electricity load become high, but from Jan-24 established the adapter system and result become positive.

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3.4 They planned for another electricity connection in their another plot as they distribute the workload. They have already applied for a new connection which is under process.

3.5 In the present situation, the company does not require HT connection, and is not affordable in this situation, therefore they request MGVCL to relief from the estimate recovery payment and continue power supply of LT connection.

3.6 During the financial year 2023-24 electricity bills, they maintained the electricity load under LT connection measures, entire year electricity consumption is under the LT connection norms.

3.7 They assured and undertake that the company will maintain LT load within contract demand. They submitted undertaking on 18.06.2024 and agreed to pay approved load and demand load difference amount for the period of 2 years.

4.0 The respondent contended that -

4.1 Complainant had crossed contract demand for four times the permissible limit during FY- 2022-23 as under,

Sr No	Month	Contract Demand(KW)	Actual Maxm. Demand(kw)	Remarks
1	APR-22	75 KW	105.3	Excess 40.4%
2	JUL-22		129.9	Excess 73.2%
3	AUG-22		130	Excess 73.33%
4	OCT-22		133.9	Excess 78.53%

4.2 As up to the month of Mar-23, the consumer had crossed 4 times the permissible limit of maximum demand, they had issued a final notice to the complainant vide letter dated 14.12.22 by registered post for regularizing contract demand.

4.3 Against this notice, complainant has given an application dated 17.05.2023 for withdrawing notice and represented that they do not want to enhance load.

4.4 As the consumer had not turned in for any action at their end regarding enhancement of load, as per clause no 4.95 of supply code 2015, Baroda City Circle office, MGVCL had started the sumomotu procedure and accordingly by averaging four maximum demand crossed by the complainant during FY-2022-23 (Avg of 105.3,129.9,130 & 133.9 kw) the estimate of Rs.12,33,491/- dated 11-01-2024 was issued for enhancement of load from 75 kw to 139 KVA .

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4.5 As Complainant had not paid the Estimate, said amount debited in the energy bill in the month of May-24.

4.6 During FY-2023-24, complainant has crossed contract demand one time during the month of Oct 2023 (75 to 85.9 KW) so during FY 2023-24.

4.7 As per clause no 4.95 of supply code-2015, "*if the maximum demand recorded exceeds 5% or more for at least four times during the last financial year, the licensee is required to issue a 30-day notice to the consumer for submitting an application to enhance the load. Should there be no response from the consumer by the end of this notice period, the licensee is obligated to initiate the procedure to enhance the consumer's contract demand to the average of the four maximum demand recordings displayed by the consumer's MDI meter in the last financial year. In such a case, the consumer shall be liable to pay all applicable charges as per the provisions of the code for the regularization of the enhanced demand* ".

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 more than 5% for five times during financial year 2022-23, the respondent MGVCL had issued 30 days' notice to the complainant 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 75KW LTMD to 139KVA HT and estimate issued in accordance with clause No.4.95 of GERC Supply Code 2015 by the respondent is in order.

Clause No. 4.95 of supply code, 2015 - Review of Contracted Load/ Sanctioned Load Contracted Demand

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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 25% 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.

5.3 The Forum considered the contentions of the complainant and the contentions of 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 they want to continue consumption of electricity as per the contract demand of 75KW under the LT connection and they do not require HT tariff connection as per the contract demand of 139KVA as proposed by the Respondent.

a. During the hearing, as per Para No.3.7, 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 75KW and the demand of 139KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

b. 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

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intimated to the Complainant to control its contract demand or to avail the additional demand by the Respondent.

c. 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 -

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

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.

O R D E R

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 75 KW LTMD to 139 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 M/s. Newton Equipments P Ltd., 864/A GIDC Makarpura, Vadodara.

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 75 KW and the demand of 139 KVA and continue power supply under the 75 KW LT Connection of the complainant. If the complainant drawls demand exceed more than 5% of the contracted demand in the aforesaid LT 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.

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6.3 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 75KW to 139KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

SPTrivedi.

(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

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