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-11-2024-25
Complainant	Shri Nilesh Senta, 128, Horizon Industrai Park, At village : Bamangam, Tal: Karjan, Dist: Vadodara.
Respondent	Shri V D Chauhan, Dy Engineer, Jambuva division office, and Shri M Y Pandya, Dy Engineer, Karjan-I 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 22.05.2024 regarding to cancel suomotu estimate issued for LT to HT, consumer No.04054/00845/3.

1.0 On 15.06.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Nilesh Senta, appeared himself as complainant whereas Shri V D Chauhan, Dy Engineer, Jambuva division office, and Shri M Y Pandya, Dy Engineer, Karjan-I 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 Mr. Nilesh Senta is having a 98 KW LTMD connection for manufacturing of NutBolt at 128, Horizon Estate Bamangam.The power supply was released on dated 20/3/2021.

2.2 On review of actual maximum demand drawn by the consumer during FY 23-24, it was observed that the consumer has drawn excess demand more 5% for seven times. As per GERC clause No. 4.95, Deputy Engineer MGVCL Karjan -I sub division had issued 30 days notice vide letter dated 19/2/2024.

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2.3 Since consumer failed to comply suo moto notice, MGVCL initiated suomoto action for regularizing additional load as per GERC clause No.4.95.

2.4 Accordingly, the suomoto estimate amounting to Rs.1257068/- for increase in contract load from 98 KW to 140 KVA HT was issued by CO MGVCL on 1/5/2024.

2.5 Aggrieved by the suomoto action iniated by the MGVCL, consumer filed grievance before CGRF vide complaint dated 22/5/2024.

3.0 The representative of the complainant contended that

3.1 They are having a LTMD connection of 98KW for manufacturing of NutBolt at 128, Horizon Estate Bamangam.

3.2 They have received the letter for payment of estimate amount against suomoto notice for switching over connection from LT to HT issued against them on dated 01-05-2024(BY MGVCL JAMBUA DIVISION).

3.3 Prior to the above, from April 2023 to November 2023 their bill of LTMD tariff was calculated in HT tariff which was paid by them on time as they did not understand the existing rules of GERC, their load went up to 100 KVA.From November 2023 till now their load was consumed as per the contract load as they have removed their high load using machinery forging machine from their plant since December 2023 as they are not using it.

3.4 They have submitted copies of bills from Dec23 to May 24 which showed that the actual maximum demand is well within contract demand for this period.

3.5 They have not planning of installing additional machineries in this unit but have future planning of other unit at village Ganapatpura.

3.6 Henceforth, they will not consume additional load as per MGVCL guidelines and as per existing rule of GERC.

3.7 In view of above, they requested to cancel suomoto estaimate issued by MGVCL. They assure MGVCL that in future, if the load is used from us, the quotation given by you from Sumo Moto will be acceptable to them.

3.8 They are ready to pay minimum charges of two years to remain LT connection of 98 kV.

4.0 The respondent contended that -

4.1 As per the provision of Clause 4.95 of Hon GERC supply code-2015 and Circular -75 for review of contract demand in case of Demand based consumer issued by MGVCL and time to time guide lines / clarifications issued by GUVNL & MGVCL regarding implementation of procedure of regularizing the demand no any exemption / relief is mentioned in payment of estimate or regularizing the demand.

4.2 On review of actual demand during the FY 2023-24, the consumer has drawn maximum demand more than 5% and more than 4 times as under.

Month	Contract Demand	Actual Maximum Demand	% Excess Drawal
May-23	98 KW	114.5KW	16.84
Jun- 23	98 KW	110.2 KW	12.45
Jul-23	98 KW	120 KW	22.45
Aug-23	98 KW	112.5 KW	14.8
Sep-23	98 KW	131.4 KW	34.08
Oct-23	98 KW	123.3 KW	25.82
Nov-23	98 KW	129.3 KW	31.94
Dec-23	98 KW	35 KW	-
Jan-24	98 KW	30 KW	-
Feb-24	98 KW	32 KW	-
March-24	98 KW	28 KW	-
Apri-24	98 KW	27 KW	-

4.3 As the actual demand of the complainant was increased more than 5% for more than 4 instances in the year financial year 2023-24, the 30 days notice was issued vide letter dated 19/02/2024 for regularization of the load.

4.4 The respondent represented that Estimate issued under suomotu procedure for 140 KVA HT demand is in order.

4.5 After Dec23, the consumer is drawning actual demand within the contract 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 seven times during financial year 2023-2024, 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 98 KW LTMD to 140 KVA 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

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-days 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% or more than the Contracted Load/ Sanctioned Load in case of other categories of consumers, the licensee shall issue a 60-days 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/

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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.

a. The complainant prayed that they want to continue consumption of electricity as per the contract demand of 98 KW under the LT connection and they do not require HT tariff connection as per the contract demand of 140 KVA as proposed by the Respondent.

b. 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 98 KW and the demand of 140 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

c. 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.

d. 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

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(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

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 98 KW LTMD to 140 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 Nilesh Senta, 128, Horizon Industrai Park, At village : Bamangam, Tal: Karjan, Dist: 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 98 KW and the demand of 140 KVA and continue power supply under the 98 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.

6.3 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 98 KW to 140 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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(B J Desai)
Technical Member

SPTrivedi.
(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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