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-01-2024-25
Complainant	Shri Bhikhabhai B Patel, C/o M/s. Mahakali Dairy Farm Plot No.130-131, G I D C, Nr Essar Petrol Pump, Thasra, Dist: Kheda
Respondent	Shri H L Bhansol, Dy Engineer (Tech) Nadiad (Rural) & Shri V C Kshtriya, Dy Engineer Thasra s/dn of MGVCL.
Date of hearing	29.04.2024 at 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 26.03.2024 regarding to cancel suomotu estimate of Rs.11,55,859/- for increase in Contract Demand, con No.05001/ 04391/3.

1.0 On 29.04.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Bhikhabhai B Patel, appeared himself as complainant whereas Shri H L Bhansol, Dy Engineer (Tech) Nadiad (Rural) & Shri V C Kshtriya, Dy Engineer Thasra s/dn of MGVCL 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 Shri Bhikhabhai Baldevbhai Patel, complainant is having a 99 KW LTMD connection for his Dairy Plant at GIDC Thasra, having consumer No. 05001/04391/3.

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2.2 The consumer was detected drawing excess load more than 5% from the month of June 23 to Sept 23. As such, respondent initiated suomotu proposal for increased in contract demand from 99 KW to 130 KVA.

2.3 The proposal for increase in contract demand is approved by MGVCL Nadiad circle office vide letter dated 30.01.2024. Payment of estimate of Rs 11,55,859/- is paid by consumer on dated 16.03.2024 online.

2.4 For work of this proposed HT connection, Deputy Engineer, Thasra s/sdn has sent the contractor's gang but consumer did not allow to execute the work.

2.5 The complainant has submitted their application to CGRF Vadodara on 26.03.2024 with a copy to Thasra s/dn that due to narrow road, it is inconvenience to transport dairy product. The existing capacity of dairy plant is small. He has purchased new land at GIDC Thasra, for Mahakali dairy and construction work is under progress.

2.6 After completion of new dairy plant, the complainant may require new HT connection at new plant. At present, he is agreed to pay HT bill for 130 KVA without completion of Suomotu application done by MGVCL.

3.0 The representative of the complainant contended that

3.1 MGVCL Nadiad (Rural) s/dn office has issued a suomotu estimate on 29.01.2024 which is paid by him on 16.03.204 with bill amounting to Rs.11,55,859/- for 99 KW load to 130 KVA HT connection.

3.2 That due to narrow road, if poles for HT connection will be erected, it will be inconvenient to transport milk & its products. The existing capacity of dairy plant is small so he has purchased new land at GIDC Thasra, for which construction work is under progress. The new plan work will be completed by eight months.

3.3 After completion of new dairy plant, they may require new HT connection at new plant. At present, he is agreed to pay HT bill for 130 KVA in existing LT connection, without executing HT connection work by MGVCL.

3.4 Due to installation of new machinaries their utilization is more than the contract demand of 99 KW and due to agreement with milk suppliers & orders they are not in a position to restrict their demand. They are consuming higher load than their contact load of 99 KW & will continue to fulfil their business commitments.

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4.0 The respondent contended that -

4.1 Suomotu proposal of Patel Bhikhabhai Baldevbhai having LTMD consumer No.05001/04391/3 and contract demand 99 KW to 130 KVA was submitted vide letter dated 16.01.2024 by Nadiad (O&M) Division.

4.2 The proposal is approved by circle office vide letter dated 30.01.2024. Payment of estimate of Rs 11,55,859.00 is paid by consumer on dated 16.03.2024 online.

4.3 For work of this proposed HT connection, Deputy Engineer, Thasra s/sdn has sent the contractor's gang but consumer did not allow to execute the work.

4.4 Complainant has submitted their application to CGRF Vadodara on 26.03.2024 with a copy to Thasra s/dn regarding he is agree to pay bill in accordance to HT billing (130KVA) of his existing LTMD connection.

4.5 The complainant has also informed that due to narrow road, it is inconvenience to transport dairy product. The existing capacity of dairy plant is small. He has purchased new land at GIDC Thasra, for Mahakali dairy and construction work is under progress.

4.6 After completion of new dairy plant, the complainant may require new HT connection at new plant. At present, he is agreed to pay HT bill for 130 KVA without completion of Suomotu application done by MGVCL.

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:

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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 four times during financial year 2023-24, 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 99

KW LTMD to 130 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 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.

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a. The action initiated by the Respondent for the regularization of the contract demand is in order as per clause No.4.95 of GERC's Supply Code 2015.

b. The complainant's request to allow excess demand though agreed to pay HT bill for 130 KVA without executing HT connection work by

MGVCL cannot be considered as per clause No.4.106 of GERC Supply Code 2015.

c. As per Cluse No. 4.85 of Supply Code, 2015 the overall timeline for releasing additional load for aggregate Loads above 100 kVA/100 kW and up to 4000 kVA, shall be Within 45 days after compliance of Demani Notice/formalities by the applicant. Payment of the estimate done by applicant on 16.03.2024 and no action for execution of work initiated from respondent end. Respondent shall complete the work as per scope of the Estimate immediately to adher the time line of 45 days.

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 action initiated by the respondent MGVCL for the regularization of the contract demand is in order as per clause No.4.95 of GERC's Supply Code 2015.

6.2 The complainant Shri Bhikhabhai B Patel, C/o M/s. Mahakali Dairy Farm Plot No.130-131, G I D C, Nr Essar Petrol Pump, Thasra, Dist: Kheda's request to allow excess demand though agreed to pay HT bill for 130 KVA without executing HT connection work by MGVCL cannot be considered as per clause No.4.106 of GERC Supply Code 2015.

6.3 Respondent shall complete the work as per scope of the Estimate immediately to adher the time line of 45 days specified in clause No. 4.85 of GERC, supply code, 2015

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(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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