

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-02-2024-25
Complainant	M/s. Tilak Agri Tech, C-18, 243/36, GIDC Estate Waghodiya, Dist: Vadodara 391 760
Respondent	Shri M N Prajapati, Dy Engineer, Baroda (O&M) Division office, 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 NIL received on 03/04/2024 regarding to cancel suomotu estimate of Rs.11,09,255/- for increase in Contract Demand, con No.02901/ 05311/4

1.0 On 29.04.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Kapil Rathod, Proprietor, appeared himself as complainant whereas Shri M N Prajapati, Dy Engineer, Baroda (O&M) 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 M/s. TILAK AGRITECH is a LTMD connection having Contract demand of 100 KW bearing consumer No.02901/05311/4 located at PLOT 243\36 GIDC Waghodiya, under Waghodiya s/dn MGVCL.

2.2 In F.Y. 2022-23, the consumer has drawn power in excess of 5% of contract demand four times as under for which notices vide letter dated 3.2.2023 to regularize the demand was issued to consumer by Waghodiya Sub Division. As per the average of 4 maximum demand, consumer has to apply for HT connection to regularize the demand.



Month	Contract Demand	Actual Maximum Demand Recorded
Apr-22	100 KW	68.2 KW
May-22	100 KW	78.5 KW
Jun- 22	100 KW	90.5 KW
Jul-22	100 KW	90.5 KW
Aug-22	100 KW	106.3 KW
Sep-22	100 KW	106.7 KW
Oct-22	100 KW	116.5 KW
Nov-22	100 KW	97.3 KW
Dec-22	100 KW	107 KW
Jan-23	100 KW	106.5 KW
Feb-23	100 KW	108 KW
Mar-23	100 KW	99.5 KW

2.3 As consumer has not responded to the notice and not applied for HT connection as per the provision of Clause 4.95 of Hon GERC supply code-2015, Circular -75, MGVL has started Suomotu procedure and a proposal for 121 KVA HT connection dated 23.02.24 is prepared and submitted to MGVL Circle office for approval & issue of estimate.

2.4 MGVL Circle office has issued estimate amounting Rs.1109255.00 to complainant vide letter dated 01.03.2024 for 125 KVA load.

2.5 After passing of one month time limit of estimate payment, as consumer has not paid the estimate, as per provision of Circular-75, MGVL Baroda division vide letter dated 20.04.2024 informed Waghodiya Sub Division to debit the estimate amount in consumer's monthly bill.

2.6 Aggrieved by the suomotu estimate for increase in contract demand from 100 KW to 125 KVA, the consumer approached to CGRF requesting to cancel suomotu estimate.

3.0 The representative of the complainant contended that -

3.1 The complainant is not having financial capacity to pay suomotu estimate and its expenses.



3.2 As per the norms of MGVCL, the complainant is not having enough space for HT connection. If MGVCL insist to avail HT connection, they have to suffer a big construction loss.

3.3 Due to new process, the contract demand was increased. Now, they discontinue new process.

3.4 The complainant is assured that in future they will not increase maximum demand as they installed demand controller.

3.5 The complainant is ready to pay differential amount of demand charges applicable to 125 KVA HT & 100 KW LT connection. The complainant has requested to cancel suomotu estimate and continue LT connection.

4.0 The respondent contended that -

4.1 M/s. TILAK AGRITECH is a LTMD connection having Contract demand of 100 KW bearing consumer no 02901/05311/4 located at PLOT 243\36 GIDC Waghodiya, under Waghodiya s/dn MGVCL.

4.2 In F.Y. 2022-23, consumers has drawn power in excess of 5% of contract demand four times for which notices vide letter dated 3.2.2023 to regularize the demand was issued to consumer by Waghodiya Sub Division. As per the average of 4 maximum demand, consumer has to apply for HT connection to regularize the demand.

4.3 As consumer has not responded to the notice and not applied for HT connection as per the provision of Clause 4.95 of Hon GERC supply code-2015, Circular -75, MGVCL has started Suomotu procedure and a proposal for 125 KVA HT connection dated 23.02.24 is prepared and submitted to MGVCL Circle office for approval & issue of estimate.



4.4 MGVCL Circle office has issued estimate amounting Rs.1109255.00 to complainant vide letter dated 01.03.2024 for 125 KVA load.

4.5 After passing of one month time limit of estimate payment, as consumer has not paid the estimate, as per provision of Circular-75, MGVCL Baroda

division vide letter dated 20.04.2024 informed Waghodiya Sub Division to debit the estimate amount in consumer's monthly bill.

4.6 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.

4.7 Detail of consumer's monthwise maximum demand recorded in year 2022-23 & year 2023-24 is as under.

FY 2022-2023			FY 2023-2024		
Month	Contract Demand	Actual Maximum Demand Recorded	Month	Contract Demand	Actual Maximum Demand Recorded
Apr-22	100 KW	68.2 KW	Apr-23	100 KW	113.8 KW
May-22	100 KW	78.5 KW	May-23	100 KW	112.4 KW
Jun- 22	100 KW	90.5 KW	Jun-23	100 KW	103.8 KW
Jul-22	100 KW	90.5 KW	Jul-23	100 KW	109.2 KW
Aug-22	100 KW	106.3 KW	Aug-23	100 KW	105.7 KW
Sep-22	100 KW	106.7 KW	Sep-23	100 KW	112.7 KW
Oct-22	100 KW	116.5 KW	Oct-23	100 KW	112.7 KW
Nov-22	100 KW	97.3 KW	Nov-23	100 KW	101.2 KW
Dec-22	100 KW	107 KW	Dec-23	100 KW	94.2 KW
Jan-23	100 KW	106.5 KW	Jan-24	100 KW	94.4KW
Feb-23	100 KW	108 KW	Feb-24	100 KW	100 KW
Mar-23	100 KW	99.5 KW	Mar-24	100 KW	96.3 KW

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 four 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 100



KW LTMD to 125 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 contract 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 10% 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 It is also observed that the complainant has drawn excess demand during the FY 2023-24.

5.4 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 he wanted to continue consumption of electricity as per the contract demand of 100 KW under the LT

connection and they do not require HT tariff connection as per the contract demand of 125 KVA as proposed by the Respondent.

- b. During the hearing, as per Para No.3.5, 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 100 KW and the demand of 125 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff. They have discontinued new process to control maximum demand and assured that they will not increase maximum demand above 100 KW.
- 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 many of the orders, few of them are,
 - (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 - Arvindhbai B Patel, order dated 18.02.2023 and
 - (4) Case No. 20/2022 - Shri Gobind Nutritions Pvt Ltd, order dated 14.03.2023
 - (5) Case No. 04/2024 - Rajul Industries, order dtd 28.03.2024
 - (6) Case No. 08/2024 - Shivani Polypack, order dtd 15.04.2024



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 100 KW LTMD to 125 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. Tilak Agri Tech, C-18, 243/36, GIDC Estate Waghodiya, Dist: Vadodara 391 760.

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 100 KW and the demand of 125 KVA and continue power supply under the 100 KW LT Connection of the complainant. If the complainant drawl 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 100 KW to 125 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.




(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

