

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2011 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-II-08-2020-21
Complainant	M/s. Vrajeshwari Steel Pvt Ltd., 67, Village : Kharod Tal & Dist: Dahod 389 151
Respondent	Shri S L Varma, Executive Engineer, Dahod Division of MGVCL.
Date of hearing	29.09.2020 at Corporate Office, Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Shri M T Sangada, (RA&C) MGVCL Vadodara

The complaint dated NIL received on 21.09.2020 regarding issue of supplementary bill of Rs.56,12,676.20 for tariff condition violation, Con No.41135.

1.0 On 29.09.2020, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Vikram Shah & Sabbir H Valanvala, appeared on behalf of complainant M/s. Vrajeshwari Steel Pvt Ltd whereas Shri S L Varma, Executive Engineer, Dahod 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 The complainant is having HT connection with a contract demand of 2400 KVA under HTP IV tariff located at Plot No. 67, Village: Kharod, Tal. & Dist. Dahod and connection was released in March 2006.

2.2 On dated 29.02.2020, the said installation was checked and MRI data was also collected & as per collected data, it is noticed that MD recorded found more than 15% of CD during the period other than night hours for the months March, April, May, Sept, Oct, Nov & Dec of 2019 and Jan 2020.

2.3 As MD recorded found more than 15% of CD, supplementary bill of Rs.56,12,676.20 was issued on dated 10.08.2020 considering HTP-I tariff instead of HTP-IV tariff.

2.4 To confirm the violation during the months as cited above, complainant had asked for detailed MRI of the energy meter placed at his installation to record the different energy parameters including units consumed during night hours, Units consumed during day time, Demand recorded during day time. Maximum demand recorded for each energy segment of half an hour vide letter dated 24.8.2020.



2.5 The respondent EE (O&M), MGVL, Dahod had intimated the manufacturer regarding non availability of data from the meter before 17.12.2019 vide his letter dated 10.9.2020.

2.6 The said connection is already disconnected due to non-payment of regular energy bill since Feb 2020.

3.0 The representative of the complainant contended that

3.1 The complainant is having HT connection with a contract demand of 2400 KVA under HTP IV tariff located at Plot No. 67, Village: Kharod, Tal. & Dist. Dahod and connection was released in March 2006.

3.2 After unlocking of economy, problem of migration of labours started so for more than 6 months we were not in a position to pay the pending bills and resume operation of our unit.

3.3 The financial crisis has also reached to unattainable level. In such crisis we had received supplementary bill of Rs. 56,12,676.20 dated 10.8.2020 for violation of HTP IV tariff for 8 times in year 2019 and 2020.

3.4 This is a lethal stroke to our unit and now it is very difficult to survive and resume the operation. Ultimately, we are left with no option except to file the application CGRF of MGVL at Vadodara.

3.5 It is said that we had violated this condition of tariff for the month of March 2019, April 2019, May 2019, September 2019, October 2019, November 2019, December 2019 and January 2020. Accordingly, a supplementary bill dated 10.8.2020 issued in line with condition No. 3 of HTP IV tariff category.

3.6 To confirm the violation during the months as cited above, we had asked for detailed MRI of the energy meter placed at our connection to record the different energy parameters including units consumed during night hours, Units consumed during day time, Demand recorded during day time. Maximum demand recorded for each energy segment of half an hour vide our letter dated 24.8.2020.

3.7 MRI data up to Mid December 2019 is delivered to us but same for the months of 2019-3, 2019-4, 2019-5, 2019-9, 2019-10, 2019-11 is not retrieved from the office of the respondent. It is not possible to confirm the figures of the supplementary bill without complete MRI data. A summary of earlier bill is given but the same can be confirmed only when MRI data of every window of 30 minutes will be made available.

3.8 EE (O&M), MGVL, Dahod had intimated the manufacturer regarding non availability of data from the meter before 17.12.2019 vide his letter dated 10.9.2020.

3.9 The supplementary bill is based on MRI data so till the same is made available, we are not in a position to decide about the application of condition No. 3 of the GERC tariff order for HTP IV for all the months for which supplementary bill is issued.

3.10 The respondent should be asked to provide full MRI data for all the months for which supplementary bill dated 10.8.2020 is issued for Rs. 56,12,676.20.

3.11 Please issue directive to the respondent to keep the supplementary bill dated 10.8.2020 in abeyance till the matter is resolved by the meter manufacturing company.

3.12 Please issue directive to the respondent that no coercive action including disconnection should be initiated by the respondent during the course of grievances redressal by the Consumer Grievances Redressal Forum.

3.13 We request the Hon. Forum to allow us to file rejoinder to our application when full MRI data is made available to us.

3.14 Any relief which Hon. CGRF deemed fit considering present situation

4.0 The respondent contended that

4.1 The complainant is having HT connection with a contract demand of 2400 KVA under HTP IV tariff located at Plot No. 67, Village: Kharod, Tal. & Dist. Dahod and connection was released in March 2006.

4.2 Energy bill of the complainant was being prepared as per manually reading taken during the year 2019-20. The connection was checked on 29.2.2020 vide checking sheet no.126 and MRI Data is also collected on 29.2.2020. As per MRI report generated on 02.3.2020, the maximum Demand of the period other than night hours is found more than 15 % of contract Demand which clearly shows violation of HTP-IV Tariff second time. Hence, the revise bill as per HTP-I tariff for Demand for the month of March'19, April, May, Sept, Oct, Nov, Dec'19 and Jan'2020 amounting to Rs.56,12,676.20 is prepared.

4.3 The MRI Report is also handed over to consumer (1) vide letter No.DHD/O&M/Rev/1409 dtd 6.3.2020, and (2) vide letter No.DHD/O&M/TECH/44241 dtd 26.8.2020. Also a letter is written to M/s. L&T Private Limited Baroda to retrieve MRI report for 30 minutes slot data as per consumer request prior to 17.12.2019 but it could not be retrieved till date. Though, monthly data of demand is already given to consumer and in which it is very clear that maximum demand during day time is crossed more than 15% of CD,

4.4 Also state that first time violation of HTP-IV Tariff by consumer for the month March'2006 and April'2006 were noticed and supplementary bill of Rs.12,97,835.81 was served to consumer. At that time, consumer has filed case against M.G.V.C.L. and also appeal for stay order in Hon'ble Principle Senior Civil Judge, District Court Dahod. Thus defending case were on hearing on dtd 28.8.2014 and order passed by Hon'ble Principle Senior Civil Judge District Court Dahod, and order is "it is order to restore power supply on payment of 50% of supplementary bill amt. to the consumer in the court and 50 % amt. as Bank Guarantee."

4.5 The final decision of the case is pending before Hon'ble District court Dahod.

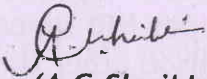


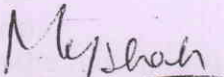
- 4.6 At present, said connection is already disconnected due to non-payment of regular energy bill since Feb 2020.
- 5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and considering them in detail, findings are as under:
- 5.1 Consumer has violated condition No. 3 of HTP IV tariff category for the month of March 2019, April 2019, May 2019, September 2019, October 2019, November 2019, December 2019 and January 2020.
- 5.2 Available record is already given to consumer by respondent MGVCCL from which, it is very clear that consumer has used more than 15% demand of CD during day time.

ORDER

- 6.0 The Forum has come to the conclusion that the supplementary bill issued by respondent Executive Engineer, Dahod Division of Madhya Gujarat Vij Co Limited, is in order. The complainant M/s. Vrajeshwari Steel Pvt Ltd., 67, Village : Kharod, Tal & Dist: Dahod 389 151, is directed to make full payment of supplementary bill alongwith pending regular energy bill amount. On 100% payment made by consumer, connection can be reconnected.


(M T Sangada)
Technical Member


(A G Shaikh)
Independent Member


(Smt Mala Y Shah)
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

