

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-II-02-2022-23
Complainant	M/s. R K Metal Enterprises, At : Malvan, Dakor Sevaliya Road, Tal: Galteshwar, Dist: Kheda
Respondent	Mrs K V Panchal, Dy Engineer of Nadiad division of MGVCL.
Date of hearing	28.07.2022 at Corporate Office, MGVCL Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Independent Member	Dr M B Kaka, Vadodara
Technical Member	Shri K B Dhebar, (RA&C) MGVCL Vadodara

The complaint dated 20/06/2022 regarding refund against LTMD connection as per HTP-I tariff.

1.0 On 28.07.2022, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jitendra Jogiya, Partner and Shri G R Darji, Technical Advisor, appeared on behalf of complainant M/s. R K Metal Enterprises whereas Mrs K V Panchal, Dy Engineer 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 M/s. R K Metal Enterprise located at Village Malavan, Tal: Sevalia, Dist: Kheda was a LTMD consumer having consumer No.52006/00612/6 with a contract load of 94 KW.

2.2 During FY 2016-17, it was observed that contract demand was exceeded by 5% more than four times. As such, bills were issued for the month of July 2016 to Dec 2016 as per HTP-1 tariff against LTMD connection.

2.3 The suomotu action for increase in contract demand was initiated from the month of April 2017. Subsequently, the consumer had approached CGRF MGVCL Vadodara and Electricity Ombudsman, GERC, Ahmedabad, against estimate issued for conversion of LTMD to HT connection.

2.4 Electricity Ombudsman in their order dated 15.01.2018 in case No. 121/2017 decided as under:

In above criteria, the action taken by Respondent to process the HT application and issue of estimate is justified. The contracted demand for HT connection should be taken as 150KVA based on an average of maximum recorded demand for four months.



Respondent is directed to correct the contracted demand and issue estimate accordingly as per Clause 4.95 of Supply Code, 2015

The issues related with preparation of HT billing as narrated by Appellant are not contended before CGRF and not decided by CGRF. Therefore, on that ground, issues regarding billing are not valid and not maintainable to decide".

2.5 The complainant had represented vide letter dated 19/03/2022 to refund HTP-1 tariff bill against LTMD connection.

2.6 MGVL, Nadiad circle - Complaint Redressal Committee (CRC) in their order dated 04.06.2022 have cancelled HTP-1 tariff bill against LTMD connection issued for the month of July 2016 bill out of HTP-1 tariff bills issued for the month of July to Dec 2016 and ordered to refund the amount in the month of July 2022.

2.7 Not satisfied of the order dated 04.06.22 of Nadiad CRC MGVL, the complainant has approached CGRF MGVL Corporate Office, Vadodra, to refund the excess amount for the month of Aug & Sept 2016.

3.0 The representative of the complainant contended that -

3.1 LTMD bills prepared for April 2016 to March 2017 are required to be recalculated and excess amount recovered to be refund with interest.

3.2 As per GERC Regulations and Electricity Ombudsman order in similar other cases, the HTP-1 tariff bill for the month of Aug 2016, Sept 2016 and Dec 2016 are to be cancelled and refund excess charges with interest.

4.0 The respondent contended that -

4.1 M/S R. K. Metal Enterprise was a LTMD Consumer bearing consumer no.52006/00612/6.

4.2 During the April -16 to Dec-16, MD of Consumer exceeds more than 5%, so Division office, Nadiad, MGVL, had issued bill as per HT Tariff (HTP-1) as per clause no.(7) of Technical Circular no.75.

4.3 Appellant had not controlled his contract demand even after several notices issued and not responded for regularization of his contract demand.

4.4 During the period for which regularization of Revised Contract demand, either in process or even if not in process, if actual MD of the consumer is exceeding the limit of load specified in Clause 3.2 of Supply Code-2015, for particular voltage level, billing of his connection in appropriate tariff category shall be done as and when his actual demand exceeds the load limit of existing tariff. Accordingly, Nadiad Rural Division had issued bill as per clause no.3.2 of Supply code-2015 and Technical Circular no.75 of MGVL.



4.5 During month of April-16, May-16 and June-16, MD of Consumer crossed more than 100 KW though Nadiad Rural division office had not issued bill as per HT Tariff and allowed 3 incidence and for month of July-16 which was 4th incident bill was issued as per HTP-1 Tariff. The bill of July-16 was decided in CRC Nadiad Rural division of MGVCCL on dt.04.06.22 and as per order, the amount Rs.88793.97 of HT tariff was credited to consumer's bill of July-2022.

4.6 As per letter No.MGVCL/RA&C/Audit/ Rev.716/dtd.03.07.2018, "If consumer's actual demand exceeds more than prescribed limit during subsequent billing cycle (5th violation onwards) then billing shall be done as per HT tariff."

Accordingly, Nadiad Rural division office of MGVCCL had issued bills from Aug-16, Sept-16 & Dec'16 for violation as per Supply code-2015, Technical Circular no.75 of MGVCCL is in order.

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 GERC has defined LTMD & HT tariff separately in Tariff order. LTMD tariff covers, under part I, Schedule of tariff for Supply of Electricity at Low & Medium Voltage while HTP tariff covers under part-II tariff for Supply of Electricity at High Tension (3.3 KV and above). According to such schedule of tariff, respondent is entitled to apply appropriate tariff as per contract demand as per agreement executed between the parties.

5.2 In above circumstances, the HTP-1 tariff bills issued for the month of Aug 2016, Sept 2016 & Dec 2016 against LTMD connection are not justified in line with the provisions of Supply Code 2015 and Tariff Order.

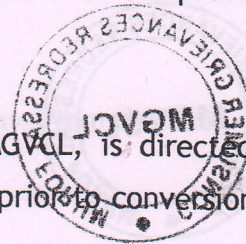
5.3 Therefore, (a) respondent is directed to revise HTP-1 bill against LTMD connection to LT tariff bill for the period prior to conversion of connection to HT in the year 2016-17 and (b) difference in billing amount between HTP-1 and LTMD tariff may be refunded in the ensuing monthly energy bills.

ORDER

6.0 The Forum has come to the conclusion that -

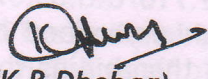
6.1 The HTP-1 tariff bills issued for against LTMD connection for the period prior to conversion of connection to HT in the year 2016-17 (Aug'16, Sept'16 & Dec'16) are not justified in line with the provisions of Supply Code 2015 and Tariff Order.

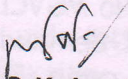
6.2 Respondent, Nadiad (Rural) division, MGVCCL, is directed (a) to revise HTP-1 bill to LT tariff bill for the period prior to conversion of connection

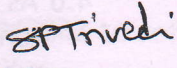


Handwritten signature

to HT in the year 2016-17 (Aug'16, Sept'16 & Dec'16) and (b) difference in billing amount between HTP-1 and LTMD tariff may be refunded immediately in the ensuing monthly energy bill to the complainant M/s. RK Metal Enterprises, At : Malvan, Dakor Sevaliya Road, Tal: Galteshwar, Dist: Kheda.


(K B Dhebar)
Technical Member


(Dr M B Kaka)
Independent 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

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>

