

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-10-2023-24
Complainant	M/s. Blueivy Hospitality P Ltd., OPP: Parul Beauty Care 80 foot road, Anand
Respondent	Shri P G Katodiya, Dy Engineer, Sardar s/dn & Shri P P Pancholi, Dy Engineer (Tech) of Anand (City) division, MGVCL.
Date of hearing	25.08.2023 MGVCL Corporate Office Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri K B Dhebar, CE MGVCL Vadodara

The complaint dated 22.06.23 (received on 01.07.23) regarding cancellation of estimate for regularization of load.

1.0 On 25.08.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Hasan Ali & Mustaq Ali, Directors, appeared on behalf of complainant M/s. Blueivy Hospitality P Ltd whereas Shri P G Katodiya, Dy Engineer, Sardar s/dn & Shri P P Pancholi, Dy Engineer (Tech) of Anand (City) 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 LTMD commercial connection with a load of 100 KW for their Hotel located at Opp: Parul Beauty Care 80 foot road, Anand, having consumer No.00103/02278/3.

2.2 The complainant had crossed their maximum demand for more than 5% during Financial year 2022-23 is as under:

Month	Contract Demand in KW	Actual Demand in KW	%age excess
April 22	100	121.7	21.7
May 22	100	149.1	49.10
July 22	100	162.9	62.9
Aug 22	100	158.2	58.2
Sept 22	100	113.1	13.10
Oct 22	100	148.7	48.7
Dec 22	100	111.4	11.4
May 23	100	123.6	23.6



- 2.3 As above, monthly maximum demand exceeded from April-22 to May-22 , July-22 to Oct-22, Nov-22to Dec 22 and May-23 (Since the maximum demand was 5% more than the contract demand, as per Clause No. (1) of the circular, Sardar Sub Divisional Office issued 30days notice to the consumer vide letter dated: 26.09.2022 and dated: 12.01.2023 to regularize their load. The Anand city Dn has issued a 30 days' notice dated: 27.01.2023 to consumer to regularize their load.
- 2.4 In response to the above notice, complainant requested to give relief due to financial difficulties at present. As per MGVCL Technical Circular-75 and letter no. As per MGVCL/RA&C/CIR.75/Guideline/361 dtd.16/05/2018 in the present case as the maximum demand exceeded more than 5% for four times in a year, the application of the complaint cannot be accepted. Therefore, vide letter no-And/City/Tech/LT to HT /suomotu/00971 dtd.18/03/23, Anand City division have initiated the procedure of SUOMOTU as per MGVCL rules to regularize load.
- 2.5 Deputy Engineer Sardar s/dn informed that the online registration and the related documents have been submitted for new electricity connection in the same premises for banquet hall. In this regard, the complaint was asked to submit necessary documents from Anand Nagarpalika.
- 2.6 Action taken as per rules under SUOMOTU to regularize their load and proposal dated 20.04.23 to circle office for increase in load of 172 KVA (LT to HT). Anand Circle office issued an estimate of Rs. 14,07,989=00 vide dated 08.05.2023 which is not paid by consumer within the time limit of 30 days. Thereafter, the said amount is debited in the bill of June - 23.
- 3.0 The representative of the complainant contended that -
- 3.1 After receipt of notice for increase in contract demand LT to HT, they had demanded a separate connection for Banquet hall for the purpose other than restaurant.
- 3.2 They have not enough space in front of the premises to install transformer and other accessory for HT connection.
- 3.3 The Banquet hall, a part of this premises is given at a rent to other party for which separate connection is required.
- 3.4 The complainant vide letter dated 25.08.23 addressed to Convener, CGRF, MGVCL given undertaking that they will maintain demand within contract demand & will pay minimum charges for the two years for demand difference of LT to HT. They agreed to restrict their maximum demand within contract demand and requested to cancel estimate issued for LT to HT connection.



4.0 The respondent contended that -

- 4.1 The complainant had crossed their maximum demand more than 5% for more than four times during Financial year 2022-23 is as under:

Month	Contract Demand in KW	Actual Demand in KW	%age excess
April 22	100	121.7	21.7
May 22	100	149.1	49.10
July 22	100	162.9	62.9
Aug 22	100	158.2	58.2
Sept 22	100	113.1	13.10
Oct 22	100	148.7	48.7
Dec 22	100	111.4	11.4
May 23	100	123.6	23.6

4.2 As above, monthly maximum demand exceeded from April-22 to May-22 , July-22 to Oct-22, Nov-22to Dec 22 and May-23 (Since the maximum demand was 5% more than the contract demand, as per Clause No. (1) of the circular, Sardar Sub Divisional Office issued 30days notice to the consumer vide letter dated: 26.09.2022 and dated: 12.01.2023 to regularize their load. The Anand city Dn has issued a 30 days' notice dated: 27.01.2023 to consumer to regularize their load.

4.3 Suomotu action taken as per MGVCL circular to regularize their load. Accordingly Anand Circle office issued an estimate of Rs. 14,07,989=00 vide dated 08.05.2023 which is not paid by consumer within the time limit of 30 days. Thereafter, the said amount is debited in the bill of June - 23.

4.4 The complainant had also exceeded actual demand more than 5% and four times during the FY 2023-24 as under:

Month	Contract Demand in KW	Actual Demand in KW	%age excess
May 23	100	124	24
June 23	100	159.5	59.5
July 23	100	149.5	49.5
Aug 23	100	134.10	34.10

Due to crossing of limit, Sardar s/dn MGVCL has issued notice to the complainant vide their letter dated 25.08.2023.

4.5 The separate electricity connection for Banquet hall in the same premises cannot be allowed as per rules of the 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:

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 more than 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 172 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 25Yo 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 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 172 KVA as proposed by the Respondent.



- b. During the hearing, as per Para No.3.1 to 3.4, 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 172 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. Inspite issuing notices by Respondent for drawal of excess demand more than 5% and seven times during FY 2022-23, the complainant has not restricted their actual demand but is continuing drawing excess demand more than 5% and four times during the FY 2023-24. In view of this fact, the Forum didn't find merit in the complainant's submission to continue LT connection and cancel suomotto estimate issued for LT to HT conversion. Hence, complainant's request of continuing with LT connection cannot be considered.
- e. The complainant's request for granting separate connection for banquet hall in the same premises will be examined separately by the respondent as per norms. This matter should not be clubbed with this complaint of suomotu action of increase in contracted load.

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 172 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. Blueivy Hospitality P Ltd., OPP: Parul Beauty Care, 80 foot road, Anand.



6.2 The complainant's request to continue existing LT connection and to cancel suomotto estimate issued for LT to HT conversion by the Respondent cannot be considered.


(K B Dhebar)
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

