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-11-2023-24
Complainant	M/s. Sheetal Electrical, 74/B, GIDC, Vitthal Udyognagar Dist: Anand 388 121
Respondent	Shri K S Vankar, Dy Engineer, V V nagar of 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 21.07.23 regarding Estimate for regularization of load under suomotu.

1.0 On 25.08.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Ajaybhai Shah appeared on behalf of complainant M/s. Sheetal Electrical, whereas Shri K S Vankar, Dy Engineer, V V nagar appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard

2.0The brief history of the case is as under:

2.1The complainant is having LTMD commercial connection with a load of 99 KW for their unit located at 74/B, GIDC, Vitthal Udyognagar, Dist: Anand 388121, having consumer No.01201/03745/0.

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
Sept 22	99	114	15.15
Nov 22	99	112.5	13.64
Dec 22	99	109	10.10
Jan 23	99	125	26.26
Feb 23	99	107	8.08
Mar 23	99	123	24.24
Apr 23	99	124	25.25

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2.3 As above, monthly maximum demand exceeded in Sept 22, Nov22 to March 23 and April23. Since the maximum demand was 5% more than the contract demand, as per Clause No. (1) of the circular, VV nagar s/dn Office issued notice to the consumer vide letter dated 29.09.22, 21.12.22, 30.01.23, 27.02.23, 07.03.23 & 11.05.23 respectively. Due to increase in maximum demand by more than 5%, 30 days notice was given to regularize their load. The Anand city Dn has issued a 30 days notice dated 25.08.23 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. But 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% four times in a financial year, the application of the consumer cannot be accepted. Hence, suomotu process of regularizing load initiated.

2.5 Deputy Engineer VV nagar s/dn informed that the online registration and the related documents have not been submitted for new electricity connection & consumer was informed to provide place for metering of HT connection in the premises vide letter dated 31.07.23. In reply, consumer has stated that he does not have such spare place in his premises.

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 controlled the maximum demand from May 23 to Aug 23 well below the contract demand.

3.2 They have not enough space in front of the premises to install transformer and other accessory for HT connection.

3.3 They have 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 the suomotu proceeding for conversion of LT to HT connection.

4.0 The respondent contended that -

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

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Month	Contract Demand in KW	Actual Demand in KW	%age excess
Sept 22	99	114	15.15
Nov 22	99	112.5	13.64
Dec 22	99	109	10.10
Jan 23	99	125	26.26
Feb 23	99	107	8.08
Mar 23	99	123	24.24
Apr 23	99	124	25.25

4.2 As above, monthly maximum demand exceeded more than 5% from Sept 22, Nov 22 to March 23 and April23. Since the maximum demand was more than 5% the contract demand, as per Clause No. (1) of the circular, VV nagar s/dn Office issued notice to the consumer vide letter dated

29.09.22, 21.12.22, 30.01.23, 27.02.23, 07.03.23 & 11.05.23 respectively due to increase in maximum demand by more than 5%, 30 days notice was given to regularize their load. The Anand city Dn has issued a 30 days notice dated 25.08.23 to consumer to regularize their load.

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 5% or more for six 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 initiation of procedure for enhancing the contract demand from 99 KW LTMD to HT 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 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

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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 99 KW under the LT connection and they do not require HT tariff connection as proposed by the Respondent.

b. During the hearing, as per Para No.3.1 to 3.3, 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 99 KW and the demand of 132 KVA as per the notice 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. 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 -

(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 - Arvindbhai B Patel, order dated 18.02.2023 and
(4) Case No. 20/2022 - Shri Gobind Nutritions Pvt Ltd, order dated 14.03.2023

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 99 KW LTMD to 132 KVA HT and notice 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. Sheetal Electrical, 74/B, GIDC, Vitthal Udyognagar, Dist: Anand 388 121.

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 99 KW and the demand of 132 KVA ***within 15 days from the receipt of this order*** and continue power supply under the 99 KW LT Connection of the complainant. If the complainant drawls 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.

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(K B Dhebar)
Technical Member

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(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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