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-14-2024-25
Complainant	Shri Jatansinh Mansaram Yadav, Adarsh Resort, L S No.374, Simlaj, Tal: Thasra, Dist: Kheda
Respondent	Shri N D Talpada, Deputy Engineer, Dakor s/dn of MGVCL and Shri H L Bhalsod, Deputy Enginer, Nadiad division of MGVCL.
Date of hearing	22/07/2024 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 04.07.2024 regarding to cancel suomotu estimate issued for LT to HT.

1.0 On 22.07.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jagdish M Yadav and Shri Nathalal A Maru, appeared on behalf of complainant Shri Jatansinh Mansaram Yadav, whereas Shri N D Talpada, Deputy Engineer, Dakor s/dn of and Shri H L Bhalsod, Deputy Enginer, Nadiad 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 Complainant Shri Jatansingh Mansharam Yadav having Contract Demand 80 KW LTMD connection, bearing consumer No 04807/00471/9 for their Adarsh Resort, at L S No.374, Simlaj, Tal: Thasra, Dist: Kheda.

2.2 In the financial year of 2023-24 Contract demand exceeded 4 Times more than five percentage hence Suo Moto Procedure is initiated. As per GERC Regulation year- 2015, clause No 4.95.

Sr No	Billing Period	Billing Date	Actual Demand Recoded KW	Contract Demand KW	% Excess demand
1	May-23	16.05.23	94.9	80	118.63
2	June-23	17.06.23	111.6	80	139.50
3	July-23	15.07.23	117.4	80	146.75
4	Feb-24	16.02.24	85.4	80	106.75

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2.3 Respondent Deputy Engineer, Dakor s/dn has issued notice for excess contract demand recorded vide letter dated 22.06.2023, 20.07.2023 & 20.06.2024 respectively.

2.4 Even though complainant did not forward for load regularization. Respondent Deputy Engineer, Dakor s/dn has submitted proposal for suomotu vide letter dated 30.04.24 to Nadiad rural Division.

2.5 In response of DE Dakor proposal for suomotu, Executive Engineer Nadiad Rural Division has issued Final Notice vide letter dated dated 17.05.24 for regularization of load even though complainant has not regularized load and suomotu procedure is done as per GERC Regulation year- 2015, clause No 4.95.

2.6 After procedure of suomotu in the financial year 24-25, complainant's contract demand excess recorded as below.

Sr No	Billing Period	Billing Date	Actual Demand Recoded KW	Contract Demand KW	% Excess demand
1	May-24	17.05.24	124.8	80	156

2.7 The proposal is approved by circle office and estimate issued to complainant amounting to Rs 10,44,333/- for 80 KW to 120 KVA HT connection.

2.8 Aggrieved by suomotu estimate, the complainant has filed grievance to cancel suomotu estimate vide letter dated 4.07.2024 to CGRF MGVCL Head office corporate office.

3.0 The representative of the complainant contended that -

3.1 Suomotu estimate given to them by MGVCL to increase the contract load from 80 KW LTMD to 120 KVA and HT connection.

3.2 Load exceeded more than 5% contract demand 3 times in a year about which they were unaware and they do not require such maximum demand extension and their regular load generally stands to 60 to 80 KW. They have this 80 KW contract load connection from past 10 years and their load has never exceeded contract demand during this tenure.

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3.3 They do have weddings in their resort generally in the months from November to May every year and in the last ten years they have never exceeded their contract demand but in the last year in the month of May, June & July, the maximum demand exceeded than the contract demand because of their unawareness and negligence of their staff and also because of health issue complainant was out of the destation for the treatment during which they could not concentrate on billing and exceeded MD notices,

3.4 The complainant only came to know about the issue of exceeding demand after receipt of final notice on date 17.05.2024 and subsequent SUO MOTO letter 25/06/2024.

3.5 The complainant was in impression that third parties like external decorators and caterer are not allowed to use their electricity and they have to use their own generators for their use of electricity. The use of electricity by the decorators and caterers during the wedding season in our resort was not properly supervised / monitored by their staff in absence because of which the use of electricity exceeded more than contract demand only in last year.

3.6 The complainant further ensure MGVCL that such negligence wont be done again and for the extra precaution they will install MD controller device so they don't face such problem in future and they do not want to shift to HT connection.

3.7 The complainant has requested Forum to consider application and needful in the matter please.

3.8 During hearing, the complainant assured that they will not increase contract demand in future and agreed to pay difference of minimum charges for the period of two years allowing to continue LTMD connection of 80 KW.

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4.0 The respondent contended that -

4.1 During FY 2023-24, contract demand exceeded four times more than five percentage hence Suo Moto Procedure is initiated as per GERC Supply Code 2015, clause No 4.95.

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4.2 Respondent Deputy Engineer, Dakor s/dn has issued notice for excess contract demand recorded vide letter dated 22.06.2023, 20.07.2023 & 20.06.2024 respectively.

4.3 Even though complainant did not forward for load regularization. Respondent Deputy Engineer, Dakor s/dn has submitted proposal for suomotu vide letter dated 30.04.24 to Nadiad rural Division.

4.4 In response of DE Dakor proposal for suomotu, Executive Engineer Nadiad Rural Division has issued Final Notice vide letter dated dated 17.05.24 for regularization of load even though complainant has not regularized load and suomotu procedure is done as per GERC Regulation year- 2015, clause No 4.95.

4.5 After procedure of suomotu in the financial year 24-25, complainant's contract demand excess recorded as below.

Sr No	Billing Period	Billing Date	Actual Demand Recoded KW	Contract Demand KW	% Excess demand
1	May-24	17.05.24	124.8	80	156

4.6 The proposal is approved by circle office and estimate issued to complainant on dated 25.06.2024 amounting to Rs 10,44,333/- for 80 KW to 120 KVA HT connection.

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:

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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 five times during financial year 2023-24, 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 80 KW LTMD to 120 KVA HT and estimate issued in accordance with clause No.4.95 of GERC Supply Code 2015 by the respondent is in order.

Clause No. 4.95 of supply code, 2015 - 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 25% or more than the Contracted Load/ Sanctioned Load in case of Residential Consumers and 10%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 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 procedure for enhancing the contract demand from 80 KW LTMD to 120 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 Shri Jatansinh Mansaram Yadav, Adarsh Resort, L S No.374, Simlaj, Tal: Thasra, Dist: Kheda.

b. The complainant prayed that they want to continue consumption of electricity as per the contract demand of 80 KW under the LT connection and they do not require HT tariff connection as per the contract demand of 120 KVA as proposed by the Respondent. He has also assured of the various actions to be taken by him to control the Actual Demand within the Contract Demand.

c. During the hearing, as per Para No. 3.8 the complainant stated that they are agreed to pay the demand charge for a period of 2 years, subject to the difference between the contracted load of 80 KW and the demand of 120 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

d. In such type of cases, when the complainant has consented to make 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

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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 respondent shall collect the minimum charges of two years for the difference between the contracted load of 80 KW and the demand of 120 KVA and continue power supply under the 80 KW LT Connection of the complainant. MGVCL Field Office shall inform the complainant of the Minimum Charges to be Paid, within Seven (07) days of this Order.The Complainant shall make the payment within 30 days of such intimation. 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.

6.2 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 80 KW to 120 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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SPTrivedi

(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

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