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

Complaint No.	MG-II-24-2024-25
Complainant	M/s. Micron Alumina P Ltd., Shed No.682, GIDC Makarpura, Vadodara 390010
Respondent	Shri H M Prajapati, Dy Engineer, of Makarpura, GIDC s/dn of MGVCL
Date of hearing	24.09.2024 at MGVCL Corporate Office, Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri V N Rathva I/c, (RA&C) MGVCL Vadodara

The complaint dated NIL received on 23.08.2024 regarding to cancel suomotu estimate issued for LT to HT, consumer No.14212/57692/9.

1.0 On 24.09.2024, the case of the Complaint Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jaimin M Patel, appeared on behalf of complainant M/s. Micron Alumina P Ltd., whereas Shri H M Prajapati, Dy Engineer, of Makarpura, GIDC s/dn 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. Micron Alumina P Ltd is having an LTMD connection with a present Contract Demand of 95 KW at Shed No. 682, GIDC, Makarpura Road, Vaodara, having Consumer No. 14212/57692/9.

2.2 The LT connection was released on date 06.03.2001. Due to actual Demand crossing the permissible limits for four times or more during the FY 2022-23, the Contract Demand was enehanced under Suo-Moto procedure from 79 KW to 95 KW in Mar'24.

2.3 During the FY 2023-24 also, the consumer exceeded the Contract Demand (79 KW at that time) beyond the permissible limit of 5% of Contract Demand during the months of Apri'23-112.4; May'23-105;Jun'23-110.6; and July'23-104.3 KW . Hence, MGVCL GIDC Sub-Division, BCC issued a

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notice to the consumer to regularize the Contract Demand to 108.075 KW vide Letter No.GIDC/Rev/LT/Excess Demand/15976 Dtd. 25.09.23. Similar Notice considering overdrawl upto Oct'23 is issued vide L.No. GIDC/ Billing/MD/Notice/16856 Dtd. 28.11.2023

2.4 As the consumer did not turn up for any action at their end regarding enhancement of load, as per clause No. 4.95 of Supply Code 2015, the Subdivison office started the suo-moto procedure by averaging 4 maximum demand crossed during the FY 2023-24 (Avg of Apr'23-112.4; Jun'23-110.6; Oct'23-105.5 & Dec'23- 107.2 KW) for enhancement of load from 88KVA (79.5KW LTMD) to 122 KVA HT (109.92 KW) and an estimate of Rs.10,82,633/- dated 11.01.24 was issued to the consumer. As the said Estimate was not paid, the amount is debited in the energy Bill in the month of May'24.

2.5 Aggrieved by suomotu estimate dtd. 11.01.24, the complainant has filed grievance to cancel suomotu estimate vide letter dated 23.08.2024 to CGRF MGVCL Corporate office.

3.0 The representative of the complainant contended that

3.1 The original Contract Load of their electrical connection was 45 kW.

3.2 Following a notice from the GIDC Sdn office of MGVCL under the suomotu process, they have paid the estimate for an increased load of 100 KW on 4th May 2024.

3.3 Despite this regularization, they have received another notice under the suomotu process, requiring them to regularize their load to 125 kW (HT connection). Consequently, an estimate of Rs. 10 lakhs was issued to them.

3.4 In this regard, the complainant further submitted following points for consideration of the Forum:

a. The complainant is the owner of the said location in GIDC Makarpura. The premises have been leased out to different renters over time, resulting in varying demand loads depending on the tenants.

b. They have managed the load requirements based on the needs of the current renters and have regularized the load up to 100 kW. Presently, the renter's

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requirement is only 25 kW, although they have ensured the load is regularized upto 100 kW to accommodate any potential increases.

c. As stated, the current requirement does not exceed 100 kW, and they ensured that future demand will not surpass this limit.

d. Due to the current economic conditions, they are unable to regularize the connection to an HT level (125 kW) and bear the associated costs.

e. In light of the above points, it is requested to cancel the HT connection estimate and permit to continue with an LT connection up to 100 kW. They are willing to pay any differential amount necessary to remain as an **LT** consumer.

4.0 The respondent contended that

4.1 During FY 2022-23, Maximum Demand of the complainant crossed 5 times and hence suomoto process was initiated to regularize Contract Demand from 79 KW to 95 KW, and a Suo-Moto Estimate of Rs.3,52,853/- was issued on date 20.09.23. As the estimate was not paid by the consumer, the amount of estimate was debited in the enery bill for the month of Oct'23 and the said debited amount is paid by the consumer on date 4.1.24. As the consumer paid the suomoto estimate, the load of 95 KW is regularized in Mar'24.

4.2 During the FY 2023-24, the consumer had crossed 11 times the permissible limit of maximum demand (6 times more than 105 KW). MGVCL GIDC Sub-Division, BCC issued a notice to the consumer to regularize the Contract Demand vide Letter No.GIDC/Rev/LT/Excess Demand/15976 Dtd. 25.09.23.

4.3 As the consumer did not turn up for any action at their end regarding enhancement of load, as per clause No. 4.95 of Supply Code 2015, the Subdivison office started the suo-moto procedure by averaging 4 maximum demand crossed during the FY 2023-24 (Avg of Apr'23-112.4; Jun'23-110.6; Oct'23-105.5 & Dec'23- 107.2 KW) for enhancement of load (LT to HT) to 122 KVA (109.92 KW) and an estimate of Rs.10,82,633/- dated 11.01.24 was issued to the consumer. As the said Estimate was not paid, the amount is debited in the energy Bill in the month of May'24.

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4.4 The consumer has not paid the suo-moto estimate (LT to HT Load Addition) of Rs.10,82,633/- till the date of hearing.

4.5 The consumer had orally represented at the GIDC Sub-Division office to cancel the issued Estimate for HT Power Supply. However, as the consumer has violated clause 4.95 of Supply Code 2015, the consumer's oral representation was not considered by their Office.

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 four times or more during financial year 2023-24, the respondent MGVC had issued 30 days' notice to the complainant to regularize the Contract Demand to 108.075 KW vide Letter No.GIDC/Rev/LT/Excess Demand/15976 Dtd. 25.09.23 of Dy.Engineer (O&M), GIDC Sub-Division, MGVCL. Similar Notice considering overdrawl upto Oct'23 is issued vide L.No. GIDC/Billing/MD/Notice/16856 Dtd. 28.11.2023

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 by Additional 34 KVA i.e. from 79 KW LTMD (88 KVA) to 122 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

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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% 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 While the procedure of enhancement of Contract Demand from 79 KW (LT) to 122 KVA (HT) considering FY 2023-24 under Suo-Moto procedure was in progress, the Contract Demand is increased from 79 KW to 95 KW in March '24 owing to Suo_Moto procedure of FY 2022-23.

5.4 Present Contract Demand of the consumer is 95 KW under LTMD tariff.

5.5 The complainant prayed that they want to continue consumption of electricity as per the present contract demand under the LT connection and they do not require HT tariff connection as per the contract demand of 122 KVA as proposed by the Respondent. He has also stated that the current requirement does not exceed 100 KW, and assure that in future demand will not surpass this limit.

5.6 During the hearing, as per Para No.3.4 (e), and the Undertaking dtd. 04.10.24 submitted by the complainant, the complainant is agreed to pay the demand charge for a period of 2 years, subject to the difference between the contracted load of 95 KW and the demand of 122 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff. They shall maintain the Demand within the Contract Demand now onwards.

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5.7 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

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 79 KW LT (88KVA) connection to 122 KVA HT connection, 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. Micron Alumina P Ltd., Shed No.682, GIDC Makarpura, Vadodara 390010..

6.2 While the procedure of enhancement of Contract Demand from 79 KW (LT) to 122 KVA (HT) considering FY 2023-24 under Suo-Moto procedure is in progress, the Contract Demand is increased from 79 KW to 95 KW in March '24 owing to Suo_Moto procedure of FY 2022-23.

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6.3 The respondent shall collect the minimum charges of two years for the difference between the present LTMD Contract Demand of 95 KW and the Demand of 122 KVA HT, and continue power supply as 95 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.

6.4 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 79 KW LT (88 KVA) to 122 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

(V N Rathva)
Technical Member

(S P Trivedi)
Chairperson

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Place : Vadodara

Date : 25/10/2024

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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