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.	Consumer Grievances Complaint No. MG-II-20-2024-25
Complainant	M/s. Royal Pack Industries, 946, 947 & 948 GIDC Waghodia, Dist: Vadodara
Respondent	Shri H J Shah, Deputy Engineer and Shri H R Patel, Sr Asstt (Rev) of Baroda division, MGVCL.
Date of hearing	22.08.2024 MGVCL Corporate office, Vadodara.

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

The complaint dated 31.07.2024 regarding suomotu HT estimate for additional load.

1.0 On 22.08.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Satish Gohil, Administrative Exective, appeared on behalf of complainant M/s. Royal Pack Industries, whereas Shri H J Shah, Deputy Engineer and Shri H R Patel, Sr Asstt (Rev) of Baroda 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 M/s. Royal Pack Industries, is having Contract Demand of 250 KVA and connection was released on date 01.04.2022 bearing consumer NO.14460 with LT solar capacity of 50 KW for their unit located at 946, 947 & 948 GIDC Waghodia, Dist: Vadodara.

2.2 Actual maximum demand recorded to be in excess of Contract Demand by 5% or more for at least four times (4 times) or more during financial year 2023-24, as mentioned below:

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Sr. No.	Billing Month	Contracted Demand (KVA)	Actual Demand (KVA)	% Excess Drawl
1	Dec-23	250	292	16.8%
2	Jan-24	250	269	7.6%
3	Feb-24	250	288	15.2%
4	Mar-24	250	279	11.6%

2.3 Being a demand based tariff consumer, as per provision of Clause No. 4.95 of GERC's Supply Code-2015, a 30 days' Notice for regularizing the excess load more than Contract Demand was issued by MGVCL, Baroda Division office vide letter no.: BD/REV/Ex.Dem/3163 dtd: 26.03.2024.

2.4 As the consumer did not respond till the Notice period was over, Estimate under suomoto procedure to enhance Contract Demand by additional 35 KVA was issued by MGVCL, Baroda Circle office vide letter No.MGCOV/1059/06/2024 dtd: 26.06.2024. The Estimate amounted to Rs.1,30,516/-, which was not paid by the consumer.

2.5 Aggrieved by suomotu estimate, the complainant has filed grievance to cancel suomotu estimate vide letter dated 31.07.2024 to CGRF MGVCL Corporate Office, Vadodara.

3.0 The representative of the complainant contended that:

3.1 Due to some technical fault in their machinery, power exceeded the Contract Demand of 250 KVA and same has been repaired and corrected and found in the last two bills it is within contract demand.

3.2 They have given an assurance for be careful for future for not exceeding Contract Demand.

3.3 They ensured that their Contract Demand for HT connection will be kept within limit. In case of further incident of exceeding the Contract Demand they shall apply for additional load immediately.

3.4 They requested Forum to waive the catering of additional load of 35 KVA amounting to Rs.1,30,516/-, as they are having MSME small Unit, and so this additional burden of Rs. Rs.1,30,516/- will be huge amount for them.

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4.0 The respondent contended that

4.1 The complainant M/s. Royal Pack Industries, is having Contract Demand of 250 KVA and connection released on 01.04.2022 bearing consumer No.14460 with LT solar capacity of 50 KW for their unit located at 946, 947 & 948 GIDC Waghodia, Dist: Vadodara.

4.2 Actual maximum demand recorded to be in excess of contract demand by 5% or more for at least four time (4 times) or more during financial year 2023-24, as mentioned below:

Sr. No.	Billing Month	Contracted Demand (KVA)	Actual Demand (KVA)	% Excess Drawl
1	Dec-23	250	292	16.8%
2	Jan-24	250	269	7.6%
3	Feb-24	250	288	15.2%
4	Mar-24	250	279	11.6%

4.3 Suomotu notice issued by MGVCL, Baroda Division office vide letter no.: BD/REV/Ex.Dem/3163 dtd: 26.03.2024.

4.4 Site survey for catering additional 35 KVA was carried out by MGVCL Division office on dtd: 05.06.2024 in the presence of consumer representative.

4.5 Estimate for catering additional 35 KVA was issued by circle office letter no.: MGCOV/1059/06/2024 dtd: 26.06.2024.

4.6 Above said estimate is to be debited in current month (i.e. Aug-24) as consumer has not paid the same.

4.7 Last 4 month MD recorded by consumer end as below:

Sr. No.	Billing Month	Contracted Demand (KVA)	Actual Demand (KVA)	% Excess Drawl
1	May-24	250	268	7.2%
2	Jun-24	250	249	-0.4%
3	Jul-24	250	233	-6.8%
4	Aug-24	250	234	-6.4%

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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 during financial year 2023-24, and hence the respondent MGVCL had issued 30 days notice to the complainant on date 26.03.24 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 250 KVA to 285 KVA 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 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/

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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 procedure for enhancing the contract demand from 250 KVA to 285 KVA 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. Royal Pack Industries, 946, 947 & 948 GIDC Waghodia, Dist: Vadodara

5.4 The complainant prayed to waive the estimate for additional load of 35 KVA and has also assured to be careful in future for not exceeding the contract demand.

5.5 During the hearing, the complainant was inqured whether he is agreed to pay the Demand Charge for a period of 2 years, towards the difference between the contracted load of 250 KVA and the demand of 285 KVA as per the Suomotu estimate issued by the Respondent under the HTP Tariff. As the complainant was not sure, he was given 3 days time to submit undertaking in this regard.

In such type of cases, if 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 -

(i) Case No. 46/2021 - Darshan A Shah, order dated. 13.12.2021
(ii) Case No. 01/2022 - Dura Plast, order dated.16.06.2022
(iii) Case No. 48/2022 - Arvindbhai B Patel, order dated 18.02.2023 and
(iv) 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.

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5.6 However, the consumer has **not** submitted undertaking as per 5.5, to pay the demand charge for a period of 2 years, towards the difference between the contracted load of 250 KVA and the demand of 285 KVA as per the Suomotu estimate issued by the Respondent.

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 250 KVA to 285 KVA 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. Royal Pack Industries, 946, 947 & 948 GIDC Waghodia, Dist: Vadodara.

6.2 MGVCL may take further action for suomoto load addition as per norms.

6.3 With this Order, the consumer's application/representation stands disposed off.

(V N Rathva)
Technical Member

(S P Trivedi)
Chairperson

Place : Vadodara
Date : 24/9/24

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.

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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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