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-15-2024-25
Complainant	M/s. Saiswaram Tradelinks P Ltd., Block No.371, Kashipura Sarar Road, Behind POR GIDC, POR Vadodara 391243
Respondent	Shri V.D.Chauhan DE (Tech), Jambuva 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 24.07.2024 regarding HT estimate for additional load under suomoto procedure for consumer No.13723.

1.0 On date 22.08.24, the case of the Complainant's Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jayendrasinh Zala (Assitant Accountant), appeared on behalf of complainant M/s Saiswaram Tradelinks P Ltd. Block No.371, Kashipura Sarar Road, Behind POR GIDC, POR Vadodara 391243, whereas Shri V.D. Chauhan Deputy Engineer (Tech), Jambuiva Division, MGVCL 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 Saiswaram Trandelinks Pvt. Ltd. is having HT Connection under HTP-I Tariff, Contract Demand 500 KVA bearing con No.13723 located at Block No. 371, Behind Por GIDC village : Por, Tal: Vadodara under Jambuva Sub-division of Jambuva Division.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

2.2 The consumer drawl exceeded 5% of Contract Demand during the month of Aug'23: 561 KVA, Sep'23: 581 KVA, Oct'23: 591 KVA, Nov'23: 566 KVA, Jan'24: 535 KVA and Mar'24: 539 KVA.

2.3 Being a demand based tariff, 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 EE(O&M), Jambuva Division vide letter dated 09.04.24.

2.4 The consumer did not respond to regularize the Contract Demand within 30 days' Notice period. Hence on expiry of the Notice period, MGVCL Field Office carried out site inspection for TFR on dated 13.05.24 for HT Add 75 KVA under suomoto procedure, and proposal sent to Circle office vide letter dated dtd. 22.05.24. Estimate was issued to enhance the HT Contract Demand from 500KVA to 575KVA under Suomoto process, vide Estimate dated 28.05.24 amounting Rs.6,18,253/-.

2.5 Last date to pay the estimate was 27.06.24, which was not paid by consumer. Hence, as per estimate condition page no.1, estimate was debited in Energy bill for the month Jul-24 by MGVCL.

2.6 Aggrieved by the suomotu estimate, the complainant has filed grievance to cancel suomotu estimate vide letter dated 24.07.2024 to CGRF MGVCL Corporate office,Vadodara.

3.0 The representative of the complainant contended that -

3.1 The complainant is having 500 KVA HT connection bearing consumer No.13723 for their unit located at Block No.371, Kashipura Sarar Road, Behind POR GIDC, POR Vadodara 391243.

3.2 During the current year, they have not consumed the excess electricity from last four months and they sold out the Air Compressor machinaries which consumed more electricity, and they have purchased new Air Compressor machine.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

3.3 After installation of new Air Compressor, the load will automatically redcue and now the load of electricity is not going above 500 KVA.

3.4 Some of the machines will not be permanently in use.

3.5 The complainant requested to revoke the estimate letter of Addl Load under Suomoto.

4.0 The respondent contended that

4.1 The complainant M/s Saiswaram Trandelinks Pvt. Ltd. is having HTP-I, Contract Demand 500 KVA bearing con No.13723 located at Block No. 371, Behind Por GIDC village : Por, Tal: Vadodara under Jambuva Sub-division of Jambuva Division.

4.2 Being a demand based tariff consumer, as per provision of Clause of 4.95 of GERC's Supply Code-2015, he is not allowed to draw in excess of 5% of Contract Demand for four times during the FY.

4.3 30 days' Notice for regularizing the excess load more than Contract Demand i.e. drawl in excess of 5% of Contract Demand during the month Aug-23: 561 KVA, Sep-23: 581 KVA, Oct-23: 591 KVA, Nov-23: 566 KVA, Jan-24: 535 KVA and Mar-24: 539 KVA issued by EE(O&M), Jambuva Division vide letter dated 09.04.24.

4.4As 30 days' Notice period, time limit was over but no response from the consumer side, Joint site inspection has been carried out for TFR on dated 13.05.24 for HT Add 75 KVA under suomoto procedure and proposal sent to Circle office vide letter dated dtd. 22.05.24 and estimate dated 28.05.24 amounting to Rs.6,18,253/-.

4.5Last date of estimate payment was 27.06.24, which was not paid by consumer. Hence, as per estimate condition page no.1, estimate was debited in Energy bill for the month Jul-24 vide ON dated 28.06.24.

CONSUMER GRIEVANCES REDRESSAL FORUM
MGVCL

4.6 Further it is to inform that there is no drawal in excess of 5% of Contract Demand from billing period Apr-24 to Jul-24.

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 five times during financial year 2023-24, and hence 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 500 KVA to 575 KVA was initiated 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*
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> *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/ 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*

CONSUMER GRIEVANCES REDRESSAL FORUM
MGVCL

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 500 KVA to 575 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. Saiswaram Tradelinks P Ltd., Block No.371, Kashipura Sarar Road, Behind POR GIDC, POR Vadodara.

b. The complainant prayed that they want to continue consumption of electricity as per the contract demand of 500 KVA. He has represented of the various actions taken by him to control the Actual Demand within the Contract Demand.

c. During the hearing, the complainant was inquired whether he is agreed to pay the demand charge for a period of 2 years, subject to the difference between the Contract Demand of 500 KVA and the Contract Demand of 575 KVA as per the Suomotu estimate issued by the Respondent under the HTP-I Tariff. As the complainant was not sure, he was given 3 days time to submit undertaking in this regard.

d. 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 -

(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

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

(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.

e. However, the complainant submitted letter to the Forum dated 23.8.2024 stating that they have paid the demand notice charges of suomotu addition / 2746 dated 17.8.2024 of total electricity pending invoice of Rs.13,22,774/- vide UTR No.SBINR12024 081742326847. He further requested to update the additional contract demand of 75 KVA. In this regard, as confirmed by Jambuva Division vide email dtd. 29.08.24, the consumer is ready for further process of HT Addl 75 KVA from 500KVA to 575KVA under suomoto procedure.

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 500 KVA to 575 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. Saiswaram Tradelinks P Ltd., Block No.371, Kashipura Sarar Road, Behind POR GIDC, POR Vadodara 391243.

6.2 As per 5.3(e), the consumer is agreed to enhance the Contract Demand from 500 KVA to 575 KVA under suomoto procedure.

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

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

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

(V N Rathva)	***(S P Trivedi)***
Technical Member	***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.
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

CONSUMER GRIEVANCES REDRESSAL FORUM
MGVCL