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-16-2024-25
Complainant	M/s. Universal Manufacturing Industries, Plot No.74 - 75 Por Indusrial Estate, POR , Dist Vadodara
Respondent	Shri H H Rathod, Dy Engineer, Jambuva s/dn and Shri V D Chauhan, Dy Engineer (Tech) Jambuva division of 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 26.07.2024 regarding suomotu estimate issued for LT to HT, consumer No.02312/04791/8.

1.0 On 22.08.2024, the case of the Complainant's Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Anuj Chokshi (Partner) and Shri Uday Chokshi appeared on behalf of complainant M/s. Universal Manufacturing Industries whereas Shri H H Rathod, Dy Engineer, Jambuva s/dn and Shri V D Chauhan, Dy Engineer (Tech) Jambuva 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 is having LTMD connection, bearing Consumer No 02312/04791/8 with a contract Demand 99 KW located at Plot No. 74, 75, Por Industrial Parrk, under Karjan_1 Sub-Division.

2.2 The complainant has drawn Maximum Demand of more than 5% of the Contract Demand for more than four times during the Financial Year 2023-24, as mentioned below.

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Billing Month	Contract Demand	Actual Demand	% Excess Drawl
Jun-2023	99.0	104.0	5.05
Sep-2023	99.0	112.4	13.54
Oct-2023	99.0	116.3	17.47
Nov-2023	99.0	109.2	10.3
Feb-2024	99.0	110.9	12.02
Mar-2024	99.0	118.5	19.7

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 was issued by DE(O&M), Jambuva Sub-division vide letter dated 23.04.24. but no response from the consumer was received by the end of the notice period.

2.4 As the consumer did not respond till the Notice period was over, MGVCL issued Estimate under suomoto procedure to enhance Contract Demand from LT (99 KW) to HT connection of 127 KVA vide letter dated 09.07.24. The Estimate amounted to Rs.10,97,753/-, which was not paid.

2.5 Aggrieved by Suomotu Estimate, the complainant has filed grievance to cancel suomotu estimate issued vide letter dated 09.07.2024 to CGRF MGVCL Corporate office, Vadodara.

3.0 The representative of the complainant contended that :

3.1 MGVCL Jambuva office has issued suomotu notice on dated 23.04.2024 and they have assured for not exceed their load more than 99 KW now onwards. They have already reduced one machine consuming 25 KW approx.

3.2 Now due to disconnecting one machine, they will always remain under 99 KW for demand load. They assured in writing now onward they will not exceed 95 kw any time in future.

3.3 As due to some unavoidable reason they have done a mistake to over use the connected load last year. Actually, they are taking some trials for one,machine during FY 2023–24 and for that they have exceed the load. As

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on date they have shifted that machine to other premises and that is why now onwards they will remain within limit of Contract Demand.

3.4 They have requested to consider their case and do the needful this time. They are ready to pay any penalty for using excess power during the last year. They also agree to pay the difference of minimum charges for the above matter as per rules.

4.0 The respondent contended that -

4.1 M/s. Universal Manufacturing Industries is having LTMD connection with a Contract Demand 99 KW bearing con No.02312/04791/5 located at Plot No.75 & 75, Por Industrial Park, village - Por, Tal: Vadodara under Karjan-1 Sub-division and said LTMD connection was released on dated 02.01.2018.

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

4.3 30-day Notice for regularizing the excess load more than Contract Demand i.e. drawl in excess of 5% of Contract Demand during the month Jun'23-104 KW, Sep'23-112.4 KW, Oct'23-116.3 KW, Nov'23-109.2 KW, Feb'24-110.9 KW and Mar'24-118.5 KW issued by DE(O&M), Jambuva Sub-division vide letter dated 23.04.24 but no response from the consumer by the end of the notice period to issued notice.

4.4 DE(O&M), Jambuva Sub-division verbally informed to Jambuva division for needful action from Division end as matter related to HT Connection.Joint site inspection done on dated 11.06.24 for LT to HT Connection under Suomoto procedure and proposal sent to Circle office vide letter dated 20.06.24 and estimate issued vide letter dated 09.07.24 amounting to Rs.10,97,753/-.

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4.5 Estimate was not paid by Consumer within time limit of one month (i.e. 08.08.24) as per estimate condition at page no-2, estimate dated

12.08.24, the estimate amount is to be debited in energy bill for the Aug-24 as per guidelines of Tech Circular no. 75 & rules.

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 six 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 99 KW LTMD to 127 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.

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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 procedure for enhancing the contract demand from 99 KW LTMD to 127 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 M/s. Universal Manufacturing Industries, Plot No.74 - 75, Por Indusrial Estate, Por, Dist Vadodara.

5.4 The complainant prayed that they want to continue consumption of electricity as per the contract demand of LT connection and they do not require HT tariff connection as per the contract demand of 127 KVA as proposed by the Respondent. He has also assured of the various actions taken/to be taken by him to control the Actual Demand within the Contract Demand.

5.5 During the hearing, the complainant has submitted a written undertaking bearing ref No.UMI/MGVCL/06 dated 22.08.2024 stating that they are agreed to pay the demand charge for a period of 2 years, for the difference between HT and LT/HT. He has further agreed that if now onwards, single time demand increase they will abide by the suomotu procedure as per clause No.4.95 of Supply Code 2015.

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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 -

(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.

<u>ORDER</u>

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 (LT) to 127 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 M/s. Universal Manufacturing Industries, Plot No.74-75, Por Indusrial Estate, POR , Dist Vadodara.

6.2 The respondent MGVCL shall collect the minimum charges of two years for the difference between the contracted load of 99 KW and the demand of 127 KVA and continue power supply under the 99 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.

6.3 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 99 KW (LT) to 127 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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Vathva

(V N Rathva)
Technical Member

SPTrivedi.

(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.
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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