MGVCL

MADHYA GUJARAT VIJ COMPANY LIMITED

Consumer Grievances Redressal Forum

Reg. Office: Sardar Patel Vidhyut Bhavan, Race Course, Vadodara-390 007.
CIN No. U40102GJ2003SGC042907
Phone No. (D) 0265-2330635, Fax No. 0265-2337918/ 2338164
Web site:www.mgvcl.com E-mail: serc.mgvcl@gebmail.com

Ref No. MGVCL/RA&CForum/Hearing/ASE/350
Date : 16-10-24

Complain No. MG-II-23-2024-25

To
M/s. Ambalal Sarabhai Enterprises Ltd.,
1st Floor, Bombay Shopping Centre
Race Course Road
Vadodara-390007

Sub: Your grievances regarding to cancel suomotu HT estimate for additional load, consumer No.13073.
Ref: Your application dated 14.08.2024

Dear Sir,

Enclosed herewith please find the order of the Consumer Grievances Redressal Forum as mentioned above.

Thanking You,

Yours Sincerely,
For & on behalf of CGRF

16/10/24
(P N Thanawala)
Convener

Encl: As above
cfwcs along with order to:
ETA to MD MGVCL Corp Office, Vadodara
C E (T&O) MGVCL Corp Office, Vadodara
copy to:
SE (City) / (O&M) MGVCL - CO Gotri Vadodara
EE (O&M) MGVCL DO Vadodara
--He is requested to submit Action Taken Report within 7 days from the date of issue of this letter.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

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.	No. MG-II-23-2024-25
Complainant	M/s. Ambalal Sarabhai Enterprise Ltd., 1st Floor, Bombay Shopping Centre, Race Course Road, Vadodara-390007
Respondent	Shri Sunil M Patel, Dy Engineer, Baroda Division 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 14.08.2024 regarding regarding to cancel suomotu HT estimate for additional load, consumer No.13073.

1.0 On 24.09.2024, the case of the Complaint Grievance was heard before Consumer Grievance Redressal Forum wherein Ms. Chaula Shastri, Director and Shri Dipak Desai appeared on behalf of complainant M/s. Ambalal Sarabhai Enterprise Ltd, whereas Shri Sunil M Patel, Dy Engineer, 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:

6.1 The complainant is having HT connection of 800 KVA Contract Demand for their unit located at Vill:Ranoli, Dist:Vadodara bearing Consumer No. 13073. The HT Connnection was released on date 30.09.1988.

2.1 It was found that, 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:

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Sr. No.	Billing Month	Contracted Demand (KVA)	Actual Demand (KVA)	% Excess Drawl
1	Aug-23	800	867	8.37%
2	Sep-23	800	858	7.25%
3	Oct-23	800	890	11.25%
4	Nov-23	800	862	7.75%

2.2 Suomoto notice of 30 Days to regularize the Contract Demand to 869 KVA issued to the consumer by MGVCL, Baroda Division vide letter no.: BD/REV/Ex.Dem/ 11137 datws 23.11.2023.

2.3 As the consumer did not enhance its Contract Demand, Suo-moto Estimate for catering additional 70 KVA HT Demand issued by SE, Baroda Circle vide Letter No..Estimate TECH/DE-II/24/3016 Date: 23.07.2024, Amounting Rs.12,64,659/-. The consumer did not pay the Estimate.

2.4 Aggrieved by suomotu estimate, the complainant has filed grievance to cancel suomotu estimate letter dated 23.07.2024 to CGRF,MGVCL Corporate Office.

2.5 During the FY 2024-25, the Maximum Demand billed is as below.

AMBALAL SARABHAI ENT. LTD., HT CONS NO.: 13073

Sr. No.	Billing Month	Contracted Demand	Actual Demand	% Excess Drawl
1	Apr-24	800	856	7.00
2	May-24	800	864	8.00
3	Jun-24	800	680	-15.00
4	Jul-24	800	680	-15.00

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3.0 The representative of the complainant contended that

3.1 The complainant is having 800 KVA for HT connection for their unit located at Ranoli Campus, consumer No.13073.

3.2 The Company is in business of manufacturing of Bulk Drugs and Pharmaceuticals.

3.3 The Company has started new manufacturing activities which resulted into usage of excess power for a temporary period.

3.4 After May, 2024, the consumption is well within the limit of 800 KVA and they do not require any more additional load which can be seen from the following data :

June, 2024 - 516 KVA
July, 2024 - 484 KVA
August, 2024 - 485 KVA

3.5 Looking to the aforesaid representation about usages of load, they request Forum to waive off the estimate of Rs.12,64,650.00 towards 70 KVA additional load issued to the Company since this will increase the financial burden of the Company.

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3.6 In future their demand will not exceed from the existing demand. Further, if any penalty is required to be paid by the Company towards cancellation of estimate under reference, they agree to pay the same.

3.7 Lastly, further request not to raise this estimate in the monthly electricity bill as in any case they do not want additional load.

4.0 The respondent contended that -

4.1 HT Connection released on dated 30.09.1988 having Consumer No.13073 with a Contracted load 800 KVA.

4.2 It was found that, 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	Aug-23	800	867	8.37%
2	Sep-23	800	858	7.25%
3	Oct-23	800	890	11.25%
4	Nov-23	800	862	7.75%

4.3 Suomoto notice issued by this MGVCL vide letter no.: BD/REV/Ex.Dem/ 11137 datws 23.11.2023.

4.4 Site survey for catering additional 70 KVA was carried out by the Division office on dtd: 11.07.2024 in the presence of consumer representative.

4.5 Estimate for catering additional 70 KVA was issued by MGVCL , Baroda circle office vide letter No.TECH/DE-II/24/3016 Date: 23.07.2024.

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, 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 800 KVA HT to 870 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 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 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 800 KVA HT to 870 KVA 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. Ambalal Sarabhai Enterprise Ltd for their Unit located at Ranoli, Dist:Vadodara HT Consumer No.13073.

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b. The complainant prayed that they do not require Additonal 70 KVA HT Power Supply as proposed under suo-moto procedure 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. 3.6, and the Undertaking dtd. 26.09.24 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 800 KVA and the demand of 870 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.

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 -

(9) Case No. 46/2021 - Darshan A Shah, order dated. 13.12.2021
(10) Case No. 01/2022 - Dura Plast, order dated.16.06.2022
(11) Case No. 48/2022 - Arvindbhai B Patel, order dated 18.02.2023 and
(12) 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 800 KVA to 870 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. Ambalal Sarabhai Enterprises Ltd., for their Unit located at Ranoli, Dist:Vadodara HT Consumer No.13073.

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6.2 The respondent shall collect the minimum charges of two years for the difference between the contracted load of 800 KVA and that of 870 KVA, and continue power supply of 800 KVA Contract Demand HT 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 HT 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 800 KVA HT to 870 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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

Place : Vadodara
Date : 16-10-2024

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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