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/PAB/ 349
Date : 16-10.24

Complain No. MG-II-26-2024-25

To
M/s. PAB Polymers
E-55, GIDC
Savli Industrial Estate
Manjusar, Dist: Vadodara

Sub: Your grievances regarding to cancel suomotu estimate issued for LT to HT, consumer No.19201/03619/1
Ref: Your application dated 03.09.2024

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 (O&M) MGVCL - CO Gotri Vadodara
EE (O&M) MGVCL DO Vadodara
D E MGVCL Savli s/dn
--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.	MG-II-26-2024-25
Complainant	M/s. PAB Polymers, E-55, GIDC, Savli Industrail Estate, Manjusar, Dist: 391 755
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 03.09.2024 regarding to cancel suomotu estimate issued for LT to HT Load Addition , consumer No.19201/03619/1.

1.0 On 24.09.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Pankaj Shah appeared on behalf of complainant M/s. PAB Polymers, 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:

2.1 The complainant is having 100 KW LTMD connection for their unit located at E-55, GIDC Manjusar, bearing Consumer No. 19201/ 03619/1. The LT Connnection was released on date 21.05.2016.

2.2 During FY 2023-24, Actual maximum demand recorded to be in excess of contract demand by 5% or more during the Billing Month of June'23-125 KW; July'23-117 KW ; Aug'23-114 KW; Mar'24-118.7 KW.

2.3 Suomoto notice of 30 days issued by MGVCL, Manjusar Sub-Division to the consumer to regularize the Contract Demand to 118.67 KW vide letter No. MJSR/ Billing/2156 dated 16.05.2024.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

2.4 As the consumer did not enhance its Contract Demand, Suo-moto Estimate for catering 132 KVA HT Demand issued by SE, Baroda Circle vide Letter No. Tech/DE_II/24/3150 Dtd. 01.08.24.Estimate Amounted Rs.11,40,971/-. The consumer did not pay the Estimate.

2.5 Aggrieved by suomotu estimate, the complainant has filed grievance to cancel suomotu estimate vide letter dated 03.09.2024 to CGRF MGVCL Corporate office.

2.6 During the FY 2024-25, the Billing Demand of the consumer is as below.

PAB POLYMERS., LT CONS NO.: 19201/03619/1

Sr. No.	Billing Month	Contracted Demand KW KW	Actual Demand KW	% Excess Drawl
1	Apr-24	100	108	8.00
2	May-24	100	115	15.00
3	Jun-24	100	109	9.00
4	Jul-24	100	85	-15.00
5	Aug-24	100	104	4.00
6	Sep-24	100	106	6.00

3.0 The representative of the complainant contended that

3.1 Complainant industries is an SSI Unit located at E-55 GIDC Manjusar, Dist: Savli with LTP Connection No: 192011036191 (100 KW).

3.2 They are in the process of shifting their operations to new place at 60-62 Suncity Industrial Park, Jarod, Dist: Baroda in the month of November 24. They will be vacating the existing premises E-55 GIDC Manjusar, Dist: Savli which is on a rental basis.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

3.3 They have received suomoto notice from Circle office, Gotri, Vadodara dated 01/08/24 to regularize contract demand 132 KVA (118 KW), along with estimate to pay Rs.11,40,971/- towards charges & security deposit.

3.4 They have also been asked to execute agreement within 15 days from date of payment of the estimate which will bind them to pay the minimum charges for a period of two years.

2/4

3.5 They beg to submit the following kind consideration: -

a. They are regular customer since so many years and have been making payments on timely basis.

b. They are operating from rental premises and now have ventured with lot of difficulty into their own premises and will be shifting there in Nov'24 or latest by end Dec'24.

c. They earnestly feel there is no purpose of forcing them, an SSI customer into enhancing the load at the existing premises when they are shifting to new premises and taking a new connection at that place from MGVCL. It will neither benefit MGVCL nor them.

d. They understand there was a proposal within MGVCL to increase LT connection limit from 100 KW to 150 KW, which has not increased since long time.

3.6 To establish that their new premises at Suncity Industrial Park is in advanced stage they are forwarding the following evidences.

a. Photograph of the shed under advance stage of construction.

b. They have already obtained temporary power connection of 35 KW from MGVCL at 60-62 Suncity Industrial Park, Consumer No: 02800/00165/8.

c. They are customers of MGVCL at E-55 GIDC Manjusar, Dist: Savli and will remain customers of MGVCL with HT connection at 60-62 Suncity Industrial Park. Further request to kindly consider that wasting resources of MGVCL and also theirs to create infrastructure which is not going to be utilized is a waste of national resource.

3.7 They have requested MGVCL Circle office, Gotri, Vadodara vide their letter dated 30/08/24 to give them 30 days extension to make payment of the estimate since that is the maximum extension allowable by them as conveyed to us.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

3.8 They request Forum to intervene in the matter and request to keep this suomoto notice in abeyance and as such an SSI unit has lot of difficulty to survive in business & they shall be very much thankful for Forum granting relief in the matter.

4.0 The respondent contended that

4.1 LT Connection released on dated 21.05.2016, by LT Consumer No. 19201/ 03619/1-having Contracted load 100 KW.

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

Sr. No.	Billing Month	Contracted Demand (KW)	Actual Demand (KW)	% Excess Drawl
1	June- 23	100	125	25%
2	July-23	100	117	17%
3	Aug-23	100	114	14%
4	March-24	100	118.7	18.7%

4.3 Suomoto notice issued by Manjusar Sdn, MGVCL, vide letter No. MJSR/ Billing/2156 dated 16.05.2024 and subsequently vide letter No.2533 dated 20.06.2024 informed the Baroda (O&M) Division office to issue the estimate.

4.4 Site survey for catering additional 21 KVA was carried out by MGVL, Baroda Division office on dated 19.07.2024 in the presence of consumer representative.

4.5 Estimate for catering additional 21 KVA was issued by circle office letter No.Tech/DE-II/24/3150 dated 01.08.24.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

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

4/4

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 100 KW LTMD to 132 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.

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.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

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 100 KW LTMD to 132 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. PAB Polymers Consumer No. 19201/03619/1.

b) The complainant prayed that they do not require HT tariff connection with a contract demand of 132 KVA, as proposed 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, the complainant showed willingness to pay difference of minimum charge, and subsequentntly submitted undertaking dtd. 26.09.24 stating that they are agreed to pay the demand charge for a period of 2 years, subject to the difference between the contracted load of 100 KW (LT) and the demand of 132 KVA (HT) as per the Suomotu estimate issued by the Respondent under the HT Tariff.

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 -

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.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

ORDER

5.0 The Forum Members present during the hearing considered contentions of both the parties and has come to the conclusion that -

5.1 The procedure for enhancing the contract demand from 100 KW (LT) to 132 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. PAB Polymers, E-55, GIDC, Savli Industrail Estate, Manjusar, Dist: 391 755.

5.2 The respondent shall collect the minimum charges of two years for the difference between the contracted load of 100 KW LT and the demand of 132 KVA HT and continue power supply under the 100 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.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

5.3 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 100 KW LT to 132 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

Sd/-	SPTrived.
(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*

7/4

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.

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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

8/8