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/SKI/347
Date : 16.10.24
Complain No. MG-II-21-2024-25

To
M/s. S K Industries
52,61,75 & 76 GIDC Estate
Por-Ramangamdi
Vadodara 391243

Sub: Your grievances regarding To cancel suomotu estimate issued for LT to HT, consumer No.02312/02207/9
Ref: Your application dated NIL (received on 16.08.2024)

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 Jambuva
D E MGVCL Jambuva 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, 5^{TH} FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Complaint No.	No. MG-II-21-2024-25
Complainant	M/s. S K Industries, Plot No. 76 GIDC Estate, Por-Ramangamdi, Vadodara 391243
Respondent	Shri V D Chauhan, Dy Engineer (Tech) and Shri H H Rathod, Dy Engineer Jambuva s/dn 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 dated NIL recd on 16.08.2024_regarding to cancel suomotu estimate issued for LT to HT, consumer No.02312/02207/9.

1.0 On 24.09.2024, the case of the Complainant's Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jaimin Patel appeared on behalf of complainant M/s. S K Industries whereas Shri V D Chauhan, Dy Engineer (Tech) and Shri H H Rathod, Dy Engineer Jambuva s/dn 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 M/s S.K. Industries is having LTMD Connection bearing Consumer No.02312/02207/9 and Contract Demand of 78.5KW at Plot No. 76 GIDC Estate, Por-Ramangamdi, Vadodara 391243.

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2.2 Consumer's drawl exceeded more than 5% of Contract Demand during the month of (1) May'23-106.3KW (2) Jun'23-102KW (3) Jul'23-106Kw (4) Aug'23-85.8KW (5) Oct'23-95.7Kw (6) Nov'23-98.3KW (7) Dec'23-99 KW (8) Jan'24-100 KW (9) Feb'24-102.2KW (10) Mar'24-101.9Kw.

2.3 In view of over drawl during the Finacial Year 2023-24, quoting Clause 4.95 of GERC Supply Code-2015, a 30 Days Notice to regularize the

Contract Demand to 105 KW was issued to the consumer by Jambuva Sub-Division, MGVCL vide L.No.MGVCl/Jambuva/Suo-motto Notice/2024/1956 dtd.23.04.24.

2.4 No response is received from the consumer by the end of the notice period. Hence, Estimate under suo moto procedure was issued for new 116 KVA HT connection by SE, Baroda (O&M) Circle vide L.No. MGCOV.0926/06/2024/ dtd. 21.06.24 amounting Rs.10,03,033/-

2.5 Estimate is not paid by the consumer. Aggrieved by suomotu estimate, the complainant has filed grievance to cancel suomotu estimate vide letter dated 24.07.2024 to CGRF, MGVCL Corporate office.

3.0 The representative of the complainant contended that

3.1 The complainant is having contract demand of 79 KW for their unit located at Plot No. 76 GIDC Estate, Por-Ramangamdi, Vadodara 391243.

3.2 Following a notice issued from the Jambuva Sub Div. office of MGVCL and another notice under the suomotu process, requiring complainant to regularize their load to 116 KVA (HT connection) and issued an estimate amounting to Rs. 10,03,033/-.

3.3 Complainant has requeasted Forum to consider following points for consideration:

a. The complainant is the owner of the said unit and in this unit, they have been installed one machine for testing purpose for newly manufacturing machine and resulting in varying demand loads depending on the testing of machine.

b. The complainant have managed the load requirements based on the needs of the current testing newly machine and the machine was dispatch and regularized the load up to 79kW.

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c. Presently, the LT Load requirement is only 70 to 75 KW. Although, they have ensured the load is regularized up to 79 KW to accommodate any potential increases.

d. The complainant represented that his current requirement does not exceed 79 kW, and they shall ensure that future demand will not surpass this limit.

e. Due to the current economic conditions, they are unable to regularize the connection to an HT level (116 KVA) and bear the associated costs.

3.4 In light of the above points, the complainant requested Forum to cancel the HT connection estimate and permit them to continue with an LT connection upto 100 kW. They are willing to pay any differential amount necessary to remain as an LT consumer.

4.0 The respondent contended that

4.1 M/s. S.K. Industries is having LTMD CD: 78.5 KW bearing con no. 02312/02207/9 at premises Plot no. 76, Por-GIDC, vill: Por Ramangamdi, Tal: Vadodara under Jambuva Sub-division and said LTMD connection was released on dtd. 30-08-2007.

4.2 Being a demand based tariff, 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.

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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 (1) May'23-106.3 KW, (2)Jun'23-102 KW (3)Jul'23-106 KW (4)Aug'23-85.8 KW (5) Oct'23-95.7 KW (6) Nov'23-98.3 KW (7) Dec'23-99 KW (8) Jan'24-100 KW (9) Feb'24-102.2 KW and (10)Mar'24-101.9 issued by DE(O&M), Jambuva Sub-division vide L No. MGVCL/Jambuva/Suomoto notice/2024/1956/dtd. 23.04.24 but there is no response from the consumer by the end of the notice period .

4.4DE(O&M), Jambuva Sub-division verbally informed to EE(O&M), Jambuva division for needful action from Division end as matter related to HT Connection.

4.5 Joint site inspection done on dtd. 11.06.24 for LT to HT Connection under Suomoto procedure and proposal sent to Circle office vide L No. JMB/Tech/LT to HT conn Suomoto/3217/dtd. 19.06.24 and Estimate issued New HT 116 KVA demand vide L No. MGCOV/0926/06/2024/ 2024/dtd.21.06.24 of Rs.10,03,033/-.

4.6 Estimate was not paid by Consumer within time limit of one month (i.e. 20.07.24) as per Estimate condition at page no-2, Sr no-8 hence estimate debit letter written No. JMB/Tech/LT to HT conn Suomoto case/3848 dtd.25.07.24 to DE(O&M),Jambuva Sub-division, same is to be debited in energy bill for the Aug-24 as per guidelines of Tech Circular No.75 & rules.

4.7 The detailes of MD recorded in Energy bill served since Apr-24 to Sep-24 of above LT consumer is as under:

Month	CD	85% MD	Billing MD	%Excess Drawl
Apr-24	78.5	66.725	77.68	--
May-24	78.5	66.725	71.80	--
Jun-24	78.5	66.725	67.42	--
Jul-24	78.5	66.725	88.6	12.86
Aug-24	78.5	66.725	52.9	--
Sep-24	78.5	66.725	51.56	--

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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 Ten 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 to 105KW.

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 80 KW LTMD to 116 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.

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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 78.5 KW LTMD to 116 KVA HT connection 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. S K Industries, Plot No. 76 GIDC Estate, Por-Ramangamdi, Vadodara 391243 LT Consumer No.02312/02207/9.

b. The complainant prayed that they want to continue consumption of electricity with an LT connection upto 100 KW, and they do not require HT tariff connection as per the contract demand of 116 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 as per Para No.3.4, and subsequently Complainant submitted undertaking dtd. 04.10.24 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 78.5 KW and the Contract Demand of 116 KVA 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 -

(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
(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.

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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 78.5 KW to 116 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. S K Industries, Plot No. 76 GIDC Estate, Por-Ramangamdi, Vadodara 391243 having LT Connection No.02312/02207/9.

6.2 The respondent shall collect the minimum charges of two years for the difference between the contracted load of 78.5 KW and the demand of 116 KVA and continue power supply as LT Connection of 78.5 KW 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 to 116 KVA HT Power Supply shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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Rathva | SPTrivedi

(V N Rathva)
Technical Member

(S P Trivedi)
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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