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/SVT/ 348

Date : 16.10.24

Complain No. MG-II-22-2024-25

To
M/s. Shiv Vacuum Technologies
At Block No.13, Shankar Patel estate
Village : Manjusar
Tal: Savli, Dist : Vadodara

Sub: Your grievances regarding to cancel suomotu HT estimate for additional load, consumer No.14344.

Ref: Your application dated 22.08.2024

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, 5^{TH} FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Complaint No.	No. MG-II-22-2024-25
Complainant	M/s. Shiv Vacuum Technologies, At Block No.13, Shankar Patel estate, Village : Manjusar, Tal: Savli, Dist : Vadodara
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 22.08.2024 regarding to cancel suomotu HT estimate for additional load, consumer No.14344.

1.0 On 24.09.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jay P Mishra, appeared on behalf of complainant M/s. Shiv Vacuum Technologies, 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 210 KVA HT connection for their unit located at Block no 13 Shankar Patel estate, Manjusar, bearing Consumer No. 14344.The HT Connnection was released on date 02.01.2020.

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2.2 Actual maximum demand recorded to be in excess of contract demand by 5% or more during the Billing Month of July'23-230 KVA; Aug'23-235KVA; Sep'23-222KVA & Oct'23-234KVA .

2.3 Suomoto notice of 30 days issued by MGVCL to the consumer to regularize the Contract Demand to 230KVA vide letter No.BD/REV/Ex.Dem/11143 dtd: 23.11.2023.

2.4 As the consumer did not enhance its Contract Demand, Suo-moto Estimate for catering additional 25KVA HT Demand issued by SE, Baroda Circle vide Letter No. MGCOV/0543/05/2024 Dtd. 18.05.24.Estimate Amounted Rs.3,21,726/-. The consumer did not pay the Estimate.

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

2.6 During the FY 2024-25, the actual Demand of the Consumer is below.

SHIV VACUUM TECHNOLOGIES, HT CONS NO.: 14344

Sr. No.	Billing Month	Contracted Demand	Actual Demand	% Excess Drawl
1	Apr-24	210	214	1.90
2	May-24	210	216	2.86
3	Jun-24	210	226	7.62
4	Jul-24	210	223	6.19
5	Aug-24	210	202	-3.81
6	Sep-24	210	216	2.86

3.0 The representative of the complainant contended that

3.1 The complainant is having 210 KVA HT connection for their unit located at Block no 13 Shankar Patel estate, Manjusar, consumer no 14344.

3.2 The complainant is in the business of Vacuum Heat Treatment of Dies & Moulds.

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3.3 In year 2023-24, due to increase in production, their demand was increase with compared to their sanctioned demand, for which, they have paid penalties raised by MGVCL from time to time.

3.4 Further, due to space constraint, they could not installed more machines at their existing place, hence, they have purchased new place in Manjusar GIDC.

3.5 They have obtained a new HT connection of 640 KVA with name of M/S Shiv Heat Tech (Bharat) Pvt. Ltd., at their new place i.e. plot No.70, GIDC, Manjusar.

3.6 Now, they are in the process of shifting their all machines from Block No.13, Shankar Patel estate to their new location at plot No.70 GIDC Manjusar.

3.7 Meantime, suddenly in the month of July 2024 electricity bill Rs.3,26,177.00 was raised by MGVCL without any prior intimation.

3.8 On inquiry about amount raised, MGVCL's officials says that they have issued 25 KVA additional load estimate with suomotu to their HT connection No.14344 and they have to pay it.

3.9 As mentioned above, they have taken new HT connection with 640 KVA demand, now they are not in requirement of even 210 KVA HT connection at Block No.13 Shankar Patel estate. They have invested more than Rs.1 crore in HT connection at plot No.70 for new HT connection including Rs,60 lakhs estimate of MGVCL.

3.10 There is no need to increase 25 KVA HT load in existing HT connection. This 3.26 Lakh estimate is additional burden to them.

3.11 With above background, the prayer to forum is as under.

a. Cancel the 25 KVA additional load Suomoto Estimate of Rs 3,26,177/- debited in their electricity bill.

b. To instruct MGVCL's official not to insist them for payment of above amount until the decision from your forum is not coming.

c. They also assured that in future demand of HT connection No.14344 will not increase. Further any penalty/settlement amount is required to pay to MGVCL to cancel the estimate, they are ready to pay the same.

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4.0 The respondent contended that

4.1 HT Connection released on dated 02.01.2020 having Consumer No.14344 with a Contracted load 210 KVA for their unit located at At Block No.13, Shankar Patel estate, Village : Manjusar, Tal: Savli, Dist : Vadodara.

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

Sr. No.	Billing Month	Contracted Demand (KVA)	Actual Demand (KVA)	% Excess Drawl
1	July-23	210	230	9.52%
2	Aug-23	210	235	11.9%
3	Sep-23	210	222	5.71%
4	Oct-23	210	234	11.43%

4.3 Suomoto notice issued by MGVCL vide letter No.BD/REV/Ex.Dem/11143 dtd: 23.11.2023.

4.4 Site survey for catering additional 25 KVA was carried out by MGVCL Division office on 30.04.2024 in the presence of consumer representative.

4.5 Estimate for catering additional 25 KVA was issued by MGVCL circle office vide letter No.MGCOV/0543/05/2024 dtd: 18.05.2024.

4.6 Above said estimate is to be debited in July-24 as the consumer has not paid the same.

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:

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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 210 KVA HT to 235 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 210KVA HT to 235 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 Shiv Vaccum Technologies HT Consumer No.14344.

b. The complainant prayed that they do not require Additonal 25KVA 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. 3.11 (C), and the Undertaking submitted by the Complainant on date 24.09.24, the complainant is agreed to pay the demand charge for a period of 2 years, subject to the difference between the contracted load of 210KVA and the demand of 235 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 -

(5) Case No. 46/2021 - Darshan A Shah, order dated. 13.12.2021
(6) Case No. 01/2022 - Dura Plast, order dated.16.06.2022
(7) Case No. 48/2022 - Arvindbhai B Patel, order dated 18.02.2023 and
(8) 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 210KVA to 235 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

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M/s. Shiv Vacuum Technologies, At Block No.13, Shankar Patel estate, Village : Manjusar, Tal: Savli, Dist : Vadodara.

6.2 The respondent shall collect the minimum charges of two years for the difference between the contracted load of 210KVA and the demand of 235 KVA. 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 210KVA HT to 235 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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(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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