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

Subject	Consumer Grievances Complaint No. MG-III-09-2021-22
Complainant	M/s. Mars Remedies P Ltd., Plot No.101, Callie Cione, Giribaug Society, OPP: Hotel, Behind National Plaza, Dist: R C Dutt Road, Vadodara
Respondent	Shri N A Shah, Executive Engineer, Baroda division and Shri S M Patel, Dy Engineer, Waghodiya s/dn, of MGVCL.
Date of hearing	17.12.2021at Corporate Office, MGVCL Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Independent Member	Dr M B Kaka, Vadodara
Technical Member	Shri K B Dhebar, (RA&C) MGVCL Vadodara

The complaint dated NIL received on 04.12.2021 regarding review of Contract Demand based on consumption of exceeding Contract Demand.

1.0 On 17.12.2021, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri M Y Karbhari, Director appeared himself as a complainant M/s. Mars Remedies P Ltd., whereas Shri N A Shah, Executive Engineer, Baroda division and Shri S M Patel, Dy Engineer, Waghodiya 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. Mars Remedies P Ltd., is having LTMD connection bearing No.02901/00476/8with a load of 64 KW at GIDC Waghodiya, Dist: Vadodara.

2.2 The maximum demand recording during FY 2020-21 is as under:

Month	Contract demand in KW	Actual demand in KW	Excess drawal in KW
Aug 20	64	119.50	52.30
Sept 20	64	113.65	46.45
Oct 20	64	110	42.80
Nov 20	64	110	42.80

2.3 As shown in the above table, maximum contract demand was increased by more than 5% during the month from Aug to Nov 20. Therefore, concerned s/dn had issued 30 days' notice to regularize the additional load vide letter dated 30.04.2021.

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2.4 The consumer has represented to CGRF MGVCL Vadodara vide letter dated 19.08.2021 that they do not want to convert LTMD to HT connection and continue to allow 99 KW LTMD connection. In response to this, the consumer was asked to remain present in Waghodiya s/dn office to represent his case. The consumer's representative had represented on 09.09.2021 that consumption was increased during summer season only and allow 99 KW LT MD connection and same was not considered by the Waghodiya s/dn office of MGVCL.

2.5 Consumer has approached Complaint Redressal Committee (CRC) at S E (O&M), MGVCL Baroda (O&M), Gotri, Vadodara, vide application dated 29.09.2021.

2.6 Against this CRC Baroda (O&M) Circle had called the consumer to resolve their grievance on 20.10.2021 but consumer was not present and again called on 10.11.2021 and issued ordered that "consumer have exceeded contract demand from June 20 to Feb 21 and April 21 to Sept 21 as per record. Under these circumstances, it is necessary to increase their contract demand as per actual recorded demand. The consumer was advised to take necessary action for increasing contract demand based on actual demand. If consumer fails to response, suomotu procedure for increase in contract demand is to be initiated".

2.7 Aggrieved by the order of CRC, the consumer has approached CGRF, MGVCL Corporate office, Vadodara, vide their application dated 04.12.2021.

2.8 The consumer has been served an estimate on dated 08.12.2021 for increase in contract load from 64 KW LTMD to 130 KVA HT.

3.0 The representative of the complainant contended that -

3.1 The consumer is having LTMD connection bearing No.02901/ 00476/8 with a load of 64 KW at GIDC Waghodiya, Dist: Vadodara.

3.2 Due to order of manufacturing of sanitizer and medicines due to Covid 19 pandemic, the actual load demand was exceeded during June 20 to Feb 21 and April 21 to Sept 21. Their unit is very small and they are having financial crisis.

3.3. They are not agreed CRC order and requested to allow 99 KW LTMDF connection or further time limit of 60 days.

3.4 During hearing, the consumer's representative has submitted letter dated 17.12.2021 requested that they have already started manufacturing to third party so as to our reduced consumption. We are MSME unit and facing financial crunch and not in a position to manage cost of new 130 KVA HT connection. They have requested to grant time limit till 31.03.2022 to continue with our present contract demand.

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4.0 The respondent contended that -

4.1 M/s. Mars Remedies P Ltd., is having LTMD connection bearing No.02901/00476/8with a load of 64 KW at GIDC Waghodiya, Dist: Vadodara.

4.2 The maximum demand recording during FY 2020-21 is as under:

Month	Contract demand in KW	Actual demand in KW	Excess drawal in KW
Aug 20	64	119.50	52.30
Sept 20	64	113.65	46.45
Oct 20	64	110	42.80
Nov 20	64	110	42.80

Clause No.4.95 of Supply Code of GERC is reproduced hereunder :

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 contract demand on receipt of such charges and all provisions of agreement shall be applicable to such consumers for revised contract demand.

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 is confirmed that the maximum demand was recorded in excess of contract demand by 5% or more for five four times during financial year 2020-21, the respondent MGVCL had issued 30 days' notice to the consumer for submitting an application form for enhancement of load.

5.2 It is observed that due to non-response of the consumer by the end of notice period, the procedure for enhancing the contract demand from 64 KW LTMD to 130 KVA HT. Thereafter, the estimate was issued on 08.12.2021.

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 64 KW LTMD to 130 KVA HT and estimate issued by respondent MGVCL in accordance with

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clause No.4.95 of GERC Supply Code 2015 is in order in respect of complainant M/s. Mars Remedies P Ltd., at Plot No.635, GIDC, Waghodiya, Dist. Vadodara.

6.2 The respondent MGVCL may allow time limit extension for payment of estimate as per rules & regulations thereof.

6.3 In case of non-payment of estimate within the time limit allowed, respondent MGVCL is directed to take further action.

6.4 The respondent may take undertaking from consumer that he may draw power within contract demand and make payment of estimate within allowable time limit.

(K B Dhebar)	*(Dr M B Kaka)*	*(S P Trivedi)*
Technical Member	*Independent Member*	***Chairperson***

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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