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-14-2022-23
Complainant	M/s. Anand Cattle Feeds, 109/110, GIDC, Vitthal Udyognagar 388 121, Dist : Anand
Respondent	Shri M.D. Dalwadi, Executive Engineer Anand(City) Division & Shri K.S. Vankar, Dy. Engineer, VV Nagar Sub Division
Date of hearing	17.12.2022 at 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 19.11.22 (recd on 23.11.22) regarding estimate for regularization of additional load.

1.0 On 17.12.2022, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Himmatbhai A Darji & Shri Mukeshbhai A Patel (both are representatives as per complainant letter dated NIL), appeared on behalf of complainant M/s. Anand Cattle Feeds, whereas Shri M.D. Dalwadi, Executive Engineer Anand(City) Division & Shri K.S. Vankar, Dy. Engineer, VV Nagar Sub 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 M/s. Anand Cattle Feeds is a LTMD connection of 99 KW at 109/110, GIDC, Vitthal Udyognagar 388 121, Dist : Anand.

2.2 Since complainant was detected using maximum contract demand more than 5% for more than four times during FY 21-22, the notice was issued on 12.04.22 & 11.07.2022 to regularize the load.

2.3 Since the complainant failed to come forward to regularize the load, MGVCL initiated suo-moto procedure for enhancement of contract demand as per GERC, Supply code, 2015 clause no.4.95.

2.4 The estimate amounting to Rs.958545/- was issued on 03.11.2022 and same is not paid till date.

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3.0 The representative of the complainant contended that -

3.1 If MGVCL could issue notice for excess drawal of load in the month of Nov-2021 instead of April-2022, they could take necessary action to restrict their demand within contract.

3.2 The complainant has represented that on receipt of notice from MGVCL, they have replaced defective capacitors and restricted their load within Contract demand.

3.3 They also found that one of the reasons for overdraw of demand was due to accumulation of raw material in the event of power failure.

3.4 At present, they are unable to pay estimate amount as well as to bear expenses towards transformer, 11KV switch breaker, cable etc. As such, they agree to pay minimum bill for additional 17KVA for two years in advance. They also ready to give consent that they will not draw excess demand in future.

3.5 They also represented that estimate was issued as per new HT connection without considering existing contract demand as per GERC norms.

3.6 Under above circumstances, they requested to cancel the estimate of new HT connection and continue as LTP connection.

3.7 The complainant has represented that as they have restricted the load they are not in need of HT power supply.

4.0 The respondent contended that -

4.1 The recorded demand of complainant has increased four times more than 5% in the FY 2021-2022 as under.

Billing month	Contract demand in KW	Actual demand in KW	%excess drawal
Nov-2021	99	106.7	7.77
Dec-2021	99	108.5	9.59
Jan-2022	99	108.3	9.39
Feb-2022	99	112	13.13
March-2022	99	114.9	16.06
April-2022	99	116.5	17.67

4.2 Notice for excess load more than contract demand was issued vide letter No. 2128 dtd 12.04.2022 by VV Sub division.

4.3 As complainant had not responded to notice, it had compelled to initiate suomotu procedure to regularize the contract demand as per GERC Suppy code 2015 clause No.4.95.

4.4 To regularize the contract demand, estimate under suomotu procedure for HT connection issued on 03.11.2022 by Anand(O&M) Circle office.

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4.5 The complainant had not made the payment of the estimate within stipulated time limit.

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 The complaint a 99 KW LTP consumer was found drawing excess demand by more than 5% for four times during FY 2021-2022. As such, MGVCL Vidyanagar s/dn had issued notice to complainant to restrict their demand within contract demand on 12.04.2022 & Anand City Division had issued notice on 11.07.2022.

5.2 Suomotu procedure initiated for LT to HT connection is in line with GERC Supply Code 2019 clause No.4.95.

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 10% 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 estimate should be revised by considering existing demand and available Security Deposit .

5.4 The estimate should be revised for regularizing load for averaging of maximum demand recorded in four months.

ORDER

6.0 The Forum has come to the conclusion that

6.1 Notice was issued for excess drawal of more than 5% from contract demand for four times and complainant had not responded and hence suomotu procedure for regularization of load to complainant M/s. Anand Cattle Feeds, 109/110, GIDC, Vitthal Udyognagar 388 121, Dist : Anand, is in order as per GERC Supply Code 2019 clause No.4.95.

6.2 The estimate should be revised by considering existing demand and available Security Deposit.

6.3 The estimate should be revised for regularizing load for averaging of maximum demand recorded in four months

(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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