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-24-2023-24
Complainant	M/s. Ambica Plastic, Vill: Rayantalavdi, Tal: Waghodiya Dist: Vadodara
Respondent	Shri M N Prajapati, Dy Engineer (Tech), Baroda O&M Division and Shri Ashish Jangid, Dy Engineer, Waghodiya s/dn of MGVCL.
Date of hearing	28.12.2023 at Corporate Office, MGVCL Vadodara

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

The complaint dated NIL received on 30.10.2023 regarding suomotu estimate issued for LT to HT.

1.0 On 28.12.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Aakash Patel, son of the owner Mrs Vanita Patel, appeared on behalf of complainant M/s. Ambica Plastic, Vill: Rayantalavdi, Tal: Waghodiya, Dist: Vadodara, whereas Shri M N Prajapati, Dy Engineer (Tech), Baroda O&M Division and Shri Ashish Jangid, 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 Ambika Plastic is a LTMD connection having Contract demand of 100 KW bearing consumer No.02912/00001/7 located at Village: Rayantalavadi, under Waghodiya Sub division of Baroda O&M division.

2.2 During FY 22-23, consumer had drawn power in excess of 5% of contract demand four times for which notices vide letter dated 29.11.2022 to regularize the demand was issued to consumer.

2.3 As per the average of four times maximum demand, consumer has to regularize the demand as per GERC Supply Code 2015.

2.4 As consumer has not responded to the notice and not applied for HT connection as per the provision of Clause 4.95 of GERC supply code-2015 and MGVCL Circular No.75, suomotu procedure was initiated and proposal for 130 KVA HT connection vide dated 12.09.23 was submitted to Circle office for approval. Subsequently, circle office, MGVCL has issued estimate on dated 03-10-2023 amounting Rs. **1073759.00.**

2.5 After passing of one month time limit of estimate payment, as consumer has not paid the estimate, as per provision of Circular-75, vide letter dated 02-11-2023, Waghodiya Sub Division asked to debit the estimate amount in consumer's monthly bill.

2.6 Aggrieved by the suomotu procedure, consumer is not agreed to pay the estimate and complained to consumer Grievance Redressal forum on 30.10.2023.

3.0 The representative of the complainant contended that-

3.1 The complainant has requested to Forum not to insist suomotu connection from 100 KW to 121 KVA, considering following points against the notice issued by MGVCL.

a. They have removed some machinery from their plant
b. They have started to utilize electrical equipment as per contract load.
c. They have given assurance to be careful in future for not exceeding Contract Demand.
d. They are agreed to pay two year minimum charges as per MGVCL norms.
e. They have also given assurance that Contract Demand for LT connection within limit and in case of a single instant of increasing demand they cancel the approval for LT connection and they will avail HT connection.

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4.0 The respondent contended that -

4.1 As per the provision of Clause 4.95 of GERC supply code-2015 and MGVCL Circular No.75 for review of contract demand in case of Demand based consumer issued by MGVCL and time to time guide lines / clarifications issued by GUVNL & MGVCL regarding implementation of procedure of regularizing the demand no any exemption / relief is mentioned in payment of estimate or regularizing the demand.

4.2 Detail of consumer's monthwise maximum demand recorded in year 2022-23 & year 2023-24 is as under.

FY 2022-2023			FY 2023-2024		
Month	Contract Demand	Actual Maximum Demand Recorded	Month	Contract Demand	Actual Maximum Demand Recorded
Apr-22	76.5 KW	69.3 KW	Apr-23	100 KW	81KW
May-22	76.5 KW	66.3 KW	May-23	100 KW	83 KW
Jun- 22	76.5 KW	66.3 KW	Jun-23	100 KW	81.3KW
Jul-22	100 KW	109.4 KW	Jul-23	100 KW	81.3 KW
Aug-22	100 KW	109.4 KW	Aug-23	100 KW	75.2 KW
Sep-22	100 KW	110.4 KW	Sep-23	100 KW	74.1 KW
Oct-22	100 KW	105.6 KW	Oct-23	100 KW	0 KW
Nov-22	100 KW	86.4 KW	Nov 23	100 KW	80.8 KW
Dec-22	100 KW	87.4 KW			
Jan-23	100 KW	83.7 KW			
Feb-23	100 KW	81.3 KW			
Mar-23	100 KW	86 KW			

4.3 Since Nov-2022, the complainant has drawn actual demand within their contract demand of 100 KW.

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 more than four times during financial year 2022-23, the respondent MGVCL had issued 30 days' notice to the complainant for submitting an application form for enhancement of load.

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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 121 KVA HT and estimate issued in accordance with clause No.4.95 of GERC Supply Code 2015 by the respondent is in order.

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 25Yo 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.

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.

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a. The complainant prayed that they wanted to continue consumption of electricity as per the contract demand of 100 KW under the LT connection and they do not require HT tariff connection as per the contract demand of 121 KVA as proposed by the Respondent.

b. During the hearing, as per Para No.3.1, the complainant stated that they agreed to pay the demand charge for a period of 2 years, subject to the difference between the contracted load of 100 KW and the demand of 121 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

c. The action initiated by the Respondent to serve notices to the complainant to regularize the contract demand is also seen and by that way chance for the regularization of the contract demand was provided to the complainant. Excess demand records were intimated to the Complainant to control its contract demand or to avail the additional demand by the Respondent.

d. It was observed that the complainant had drawn actual consumption in excess of 5% of contract demand four times from July 2022 to Oct 2022. Thereafter, the complainant was drawing consumption within their contract demand from Nov 2022 to Nov 2023.

e. In such type of cases, when the complainant had consented to the 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

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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 100 KW LTMD to 121 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. Ambica Plastic, Vill: Rayantalavdi, Tal: Waghodiya, Dist: Vadodara.

6.2 In view of the complainant's request, the Respondent shall collect the minimum charges of two years for the difference between the contracted load of 100 KW and the demand of 121 KVA and continue power supply under the 100 KW LT Connection of the complainant. If the complainant drawls 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 from 100 KW to 121 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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SPTrivedi

(K B Dhebar)
Technical Member

(S P Trivedi)
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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