<u>CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well Notification No.2/2019 of GERC (CGRF & Ombudsman)</u>

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-19-2023-24
Complainant	M/s. Maa Shakti Cattlefeed, 65, GIDC, Sojitra, Dist: Anand 380 240
Respondent	Shri D M Upadhyay, Deputy Engineer, Petlad Division and Sneha J Patel, Deputy Engineer, Sojitra s/dn of MGVCL.
Date of hearing	26.10.2023 Corporate Office, MGVCL Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri K B Dhebar, Chief Engineer (Proj) MGVCL Vadodara

The complaint dated 26.09.2023 regarding to cancel process of LT to HT suomotu & to reduce load in LTMD connection.

1.0 On 26.10.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Ajay K Patel, appeared on behalf of complainant M/s. Maa Shakti Cattlefeed whereas Shri D M Upadhyay, Deputy Engineer, Petlad Division and Sneha J Patel, Deputy Engineer, Sojitra 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 The complainant M/s. Maa Shakti Cattlefeed, 65, GIDC, Sojitra, Dist: Anand, having a load of 98 KW LTMD consumer having consumer No.04701/05976/5 & connection released on 11.09.2014.

2.2 The complainant had crossed their demand four times & more than 5% during FY 2022-23 as under:

Month	Actual Demand in KW	Demand Drawal in KW	%age excess drawal in KW	Notice issued on
Aug 22	98	132.10	34.80	22.08.22
Sept 22	98	136.50	39.29	23.09.22
Oct 22	98	136.50	39.29	21.10.22
Feb 23	98	110	12.24	24.02.23

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2.3 As per Circular No.75, filed offices i.e. s/dn & division has issued notices on above mentioned dates but complainant had not applied for additional load.

2.4 Sojitra s/dn has sent proposal to Petlad division office and division office has carried out visit of installation and sent proposal to Anand Circle office and Sojitra s/dn has issued an estimate amounting to Rs.14,07,989/- on 11.08.2023 but complainant has not paid suomotu estimate.

3.0 The representative of the complainant contended that -

3.1 Complainant is having LTMD electricity connection with a load of 98 KW at Plot No.65 in Sojitra GIDC in the name of M/s. Maa Shakti Cattlefeed, 65, GIDC, Sojitra, Dist: Anand.

3.2 Further, they have leased this premises to M/s. PFG Glasskem Equipments P Ltd. Due to increase their business, M/s. PFG Glasskem have established new unit at village Porda Tal : Petlad, under Petlad division and taken new 1200 KVA HT connection. Most of their machineries have been transferred in their new unit so Forum is requested to cancel the suomotu process of LT to HT.

3.3 The complainant has submitted consent vide letter dated 26.10.2023 to pay difference of demand charges for the period of two years between existing LT connection and suomotu HT demand and allow to continue existing LT connection and cancelled suomotu estimate.

4.0 The respondent contended that -

4.1 Since complainant had drawn excess demand four times and more than 5% during FY 2022-23, the suomotu procedure for increase in demand from 98 KW LT to 144 KVA HT is carried out as per circular No.75 and GERC Supply Code 2015, Clause No.4.95.

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4.2 As per ledger copy dated 26.10.2023, the complainant has crossed contract demand in the month of Apr-23, June-23 & July-23. While from July 23 to Aug 23, the actual demand is recorded within 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 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.

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 98 KW LTMD to 144 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

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<u>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.</u>

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 complainant prayed that he wanted to continue consumption of electricity as per the contract demand of 98 KW under the LT connection and they do not require HT tariff connection as per the contract demand of 144 KVA as proposed by the Respondent.

b. During the hearing, as per Para No.3.3, 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 98 KW and the demand of 144 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

c. The complainant has leased his Plot No.65, GIDC Sojitra to M/s. PFG Glasskem for the period from 01.09.2019 to 31.08.2024. Now, M/s. PFG Glasskem has shifted most of the machineries to their new unit at village Porda, Tal: Petlad, Dist: Anand.

d. 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.

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

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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.

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 98 KW LTMD to 144 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. Maa Shakti Cattlefeed, 65, GIDC, Sojitra, Dist: Anand.

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 98 KW and the demand of 144 KVA and continue power supply under the 98 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 98 KW to 144 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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(K B Dhebar)
Technical Member

SPTrivedi
(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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