

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-15-2022-23
Complainant	M/s. Navyug Alloys Pvt Ltd., Survey No.106, Village : Khakhariya Tal: Savli, Dist; Vadodara
Respondent	Miss Supriya S Raha, Dy. Engineer, Halol (O&M) Division & Shri Atul Shah, Dy.S.A. (Rev), Halol (O&M) 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 21.11.22 (recd on 28.11.22) regarding withholding / retained of Security Deposit of Rs.23,98,695/-.

1.0 On 17.12.2022, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Sanjiv Agrawal, Director and Shri V.B. Tayal Director of M/s. Navyug Alloys Pvt Ltd., Survey No.106, Village : Khakhariya Tal: Savli, Dist; Vadodara appeared on behalf of complainant whereas Miss Supriya S Raha, Dy. Engineer and Shri Atul Shah, Dy. S.A. (Rev) Halol (O&M) 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. Navyug Alloys Pvt Ltd., Survey No.106, Village: Khakhariya Tal: Savli, Dist; Vadodara had applied for reduction of load from 3900 KVA to 200 KVA on 01/09/2022.

2.2 Corporate Office MGVCL has approved reduction of load from 3900 KVA to 200 KVA vide letter dtd. 09/11/2022 subject to retaining Rs.23,98,695/- from the security deposit of Rs.65,00,000/- on the ground dues against legal case.

3.0 The representative of the complainant contended that -

3.1 That the above named company was sanctioned a Contact Demand of 3900 KVA and had deposited all the bills regularly and without any default at any time for the past more than 22 years.

3.2 That the Company had deposited Rs.65,00,000/- as security on dated 5.6.2015 vide Book no. MCH 0496 Receipt No. F / 98200.



3.3 That due to continuous losses in the industry, the company had requested for the reduction of load on dated 01.09.2022 from 3900 KVA to 200 KVA.

3.4 That the Corporate Office, MGVCCL was kind enough to approve their application from 3900 KVA to 200 KVA vide letter No.MGVCL:HT:RED:NAVYUG/980 DATED 9.11.2022.

3.5 That the Corporate Office, MGVCCL while approving the reduction in load in the letter as stated above has retained Rs. 23,98,695/- from the security deposit of Rs. 65,00,000/- on the grounds as dues against legal case.

3.6 That the facts of the dues against legal case against us are as follows:

3.7 That the then Gujarat Electricity Board had issued us a Supplementary Bill of theft of Rs. 23,98,695/- in 1996.

3.8 That against the issuance of the supplementary bill issued to us we had filed a Appeal before the Hon'ble Godhara Court.

3.9 That before the Hon'able Godhara Court the then GEB's Officials had accepted that the supplementary issued to us are on the basis of DOUBT FULL CASE and had accepted that no theft had ever occurred by the company.

3.10 That the Hon'able Godhara Court had rejected the demand of the then GEB and quashed the demand of the supplementary bill raised by the then GEB.

3.11 That the Hon'able Godhara Court had ordered to the then GEB to refund the deposit of 10% against the supplementary bill along with interest which was refunded to us.

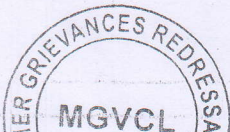
3.12 There after the then GEB has filed a First Appeal before the Hon'able High Court of Gujarat and requested the Hon'able High Court of Gujarat to grant the stay of the order of the Hon'able Godhara Court which was rejected by the Hon'able High Court of Gujarat.

3.13 It would be surprised to know that the then GEB had issued them a supplementary bill of theft saying that their sub-station meter was running slow by 11% and hence issued us a supplementary for the difference in units recorded in the sub-station after the increase of 11% and the units recorded in our meter.

3.14 That our all the seals of the meter and meter box were found intact and no discrepancies was ever occurred. Hence there is no any legal dues are pending against us to be payable to MGVCCL.

Considering the above facts they pray as under:

3.15 To please direct the MGVCCL to release the security deposit of Rs. 23,98,695/- also along with interest .



3.16 To please pass on any other order as deemed fit.

4.0 The respondent contended that :

4.1 Due to pending appeal in High Court towards supplementary bill, Rs. 23,98,695/- is retained in the account as per approval received for reduction of load from the corporate office.

4.2 The interest on security deposit available on the consumer account is payable every year and is being paid as per rules.

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 reduction of load from 3900 KVA to 200 KVA granted by retaining Rs.23,98,695/- on account of pending appeal in High Court in towards supplementary bill amount is in order.

5.2 If consumer will produce Bank Guarantee of appropriate amount, then security deposit retained against supplementary bill may be refunded by the MGVL.

ORDER

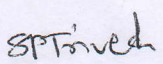
6.0 The Forum has come to the conclusion that -

6.1 The reduction of load from 3900 KVA to 200 KVA granted by retaining Rs.23,98,695/- on account of pending appeal in High Court towards supplementary bill amount is in order.

6.2 If consumer will produce Bank Guarantee of appropriate amount, the amount retained against supplementary bill may be refunded by the MGVL.


(K B Dhebar)
Technical Member


(Dr M B Kaka)
Independent 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

