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-23-2023-24
Complainant	M/s. Radical Industries, Plot No.62 (Alindra), Savli, GIDC Industrial Estate, Tal: Savli, Dist: Vadodara 391775
Respondent	Shri M N Prajapati, Dy Engineer (Tech), Baroda O&M Division.
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 01.11.2023 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 B L Bhuva, appeared on behalf of complainant M/s. Radical Industries, whereas Shri M N Prajapati, Dy Engineer (Tech), Baroda 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 Radical Industries is a LTMD connection having Contract demand of 100 KW bearing consumer no 19201020805 located at Plot no: 62 (Alindra) GIDC Manjusar, under Manjusar Sub division of Baroda O&M division.

2.2 In F.Y. 22-23 consumer has drawn power in excess of 5% of contract demand four time for which notices vide L no: MGVCL/Manjusar/Suo moto notice/2023/1270 Date: 9.3.23 to regularize the demand was issued to consumer by Manjusar Sub Division.

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2.3 As per the average of 4 maximum demand, consumer has to apply for HT connection to regularize the demand.

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 Hon GERC supply code-

2015, Circular -75, Baroda (O&M) Division office has started Suo moto procedure and a proposal for 130 KVA HT connection was submitted to Baroda(O&M) Circle office, Gotri Road, Vadodara for approval & issue of estimate.

2.5 Circle office has issued estimate vide letter Dt: 20-09-2023 amounting Rs. 1153625.00

2.6 Appellant has not paid the estimate within 30 days' time period provided in Estimate and hence as per provision of Circular-75, Manjusar Sub Division has debited the estimate amount in consumer's account.

2.7 Consumer is not ready to pay the estimate, hence has complained to consumer Grievance Rederesal forum.

3.0 The representative of the complainant contended that

3.1 The complainant had taken connection in the year 2012 of 70 KVA load.

3.2 Subsequently, when they required the additional load they had applied for the same and at present their LT connection is of 100 KW load.

3.3 The complainant has also mentioned that they have suddenly increased of specific work which they have been completed; it is not a regular practice.

3.4They are in search of a big plot where they may shift their plant.

3.5 The complainant has stated that ever since sometimes only it has increased beyond 100 KVA hence MGVCL has issued Estimate for 130 KVA HT demand amounting to Rs.11,53,625/-.

3.6The complainant had submitted additional submission on 03.01.2024 & they ensured that in future their demand will not go beyond the available limit of 100 KW.

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3.7They have installed load manager to control their demand to keep the maximum demand within control and submitted invoice for the same.

3.8 They have submitted that they have reduced their production by nearly 15% so that the utilization of the power will be within limit.

3.9 The complainant has shown readiness to pay the differential amount of Minimum charges of load difference of 130 KVA HT & 100 KW LT for the period of 2 years

4.0 The respondent contended that -

4.1 As per the provision of Clause 4.95 of Hon GERC supply code-2015 and Circular -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.

From Detail it seems that, consumer has not controlled their demand even after issue of notice and estimate and in FY 2023-24 also they have violated demand 6 times.

FY 2022-2023			FY 2023-2024		
Month	Contract Demand	Actual Maximum Demand Recorded	Month	Contract Demand	Actual Maximum Demand Recorded
Apr-22	100 KW	103.8 KW	Apr-23	100 KW	111 KW
May-22	100 KW	120 KW	May-23	100 KW	117.7 KW
Jun- 22	100 KW	120.8 KW	Jun-23	100 KW	110.4 KW
Jul-22	100 KW	114.5 KW	Jul-23	100 KW	61.2 KW
Aug-22	100 KW	112.2 KW	Aug-23	100 KW	105.5 KW
Sep-22	100 KW	59.5 KW	Sep-23	100 KW	117.8 KW
Oct-22	100 KW	59.5 KW	Oct-23	100 KW	113.6 KW
Nov-22	100 KW	101.8 KW			
Dec-22	100 KW	101.4 KW			
Jan-23	100 KW	103.2 KW			
Feb-23	100 KW	97.1 KW			
Mar-23	100 KW	101.5 KW			

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4.3 The respondent has represented that the contact demand of appellant has increased more than 5% for more than 4 instances in the year 2022-23 & current financial year 2023-24.

4.4 The respondent has represented that though notice was issued to the appellant they continued to use load beyond their contract demand continuously. The respondent has not taken cognizance of notice for excess demand.

4.5 The respondent represented that Estimate issued under suomotu procedure for 130 KVA HT demand is in order.

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 & 2023-24, 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 100 KW LTMD to 130 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

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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.

a. 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.

b. The complainant prayed that they want to continue their consumption of electricity as per the LT contract demand of 100 KW under the LT connection and they do not require HT tariff connection.

c. The complainant submitted that they have installed load manager to control their demand to keep the maximum demand within control and submitted invoice for the same.

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d. During the hearing, 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 130 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

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 -

(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 100 KW LTMD to 130 KVA HT and estimate issued by respondent MGVCL in accordance with clause No.4.95 of GERC Supply Code 2015 is in order.

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 130 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

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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 130 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

(K B Dhebar)	*(S P Trivedi)*
Technical 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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