

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-26-2023-24
Complainant	M/s. Varsha Plast, 825, GIDC, Makarpura, Vadodara 390010
Respondent	Shri H M Prajapati, Dy Engineer, Makarpura GIDC, Baroda City Circle, Vadodara.
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 22.12.2023 regarding suomotu estimate issued for LT.

1.0 On 28.12.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Vikas Jeevavat appeared on behalf of complainant M/s. Varsha Plast, whereas Shri H M Prajapati, Dy Engineer, Makarpura GIDC, Baroda City Circle, Vadodara 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. Varsha Plast, is having 65 KW electricity connection for their unit located at C-1-B-825-GIDC, Makarpura, Vadodara, under LTMD Tariff.

2.2 The complainant had crossed their regular load for more than 5 times during FY 2022-23 as under:

Sr No	Month	Contract Demand(KW)	Actual Maxm. Demand(kw)	Remarks
1	SEPT-22	65 KW	80.1	Excess 23.23%
2	OCT-22		80.5	Excess 23.84%
3	JAN-23		71.1	Excess 9.38%
4	FEB-23		75.1	Excess 15.53%
5	Mar-23		88.5	Excess 36.15%



2.3 As up to the month of Feb-23, the consumer had crossed 4 times the permissible limit of maximum demand, respondent issued a final notice to

the consumer vide letter dated 21.3.2023 for regularizing contract demand. Against this notice consumer gave an application on dated 25.4.2023 for withdrawing notice and represented that he did not want to enhance load but GIDC sub division office has rejected the consumer's application.

2.4 As the consumer has not turned in for any action at their end regarding enhancement of load, as per clause no 4.95 of supply code 2015, GIDC Sub division office has started the suomotu process and accordingly by averaging 4 maximum demand crossed by the consumer during FY-22-23.(Avg of 80.1,80.5,75.1&88.5 kw), an estimate of Rs.324244/- dated 20-09-2023 was issued for enhancement of load from 65 to 82 kw and as an estimate not paid by the consumer, said amount debited in the energy bill in the month of Oct-23.

2.5 In this regard, the consumer had submitted a request letter not to insist estimate and not to enhance load on dated 27.10.2023, and accordingly a hearing at CRC subdivision office and Circle office done on dated 6.11.2023 and on dated 24.11.2023 respectively.

3.0 The representative of the complainant contended that -

3.1 They had changed their machinery and installed new capacitors to restrain demand in to limit up to contract demand.

3.2 They do not have crossed the permissible limit of contract demand during FY-23-24.

3.3 They want to change in production process and want to enhance their demand up to 70 KW or 74 KW but at this point it is not sure and had asked one week time to decide.

3.4 They are in need of addition of load but the security deposit is too high and hence want to review their demand load.

4.0 The respondent contended that

4.1 As up to the month of Feb-23, the consumer had crossed 4 times the permissible limit of maximum demand, they issued a final notice to the



consumer vide letter dated 21.3.2023 for regularizing contract demand. Against this notice consumer gave an application on dated 25.4.2023 for withdrawing notice and represented that he did not want to enhance load but this office denied the consumer's application.

4.2 As the consumer has not turned in for any action at their end regarding enhancement of load, as per clause no 4.95 of supply code 2015, they started the SUO - MOTO process and accordingly by averaging 4 maximum demand crossed by the consumer during FY-22-23. (Avg of 80.1, 80.5, 75.1 & 88.5 KW), an estimate of Rs.3,24,244/- dated 20-09-2023 was issued for enhancement of load from 65 to 82 kw and as an estimate not paid by the consumer, said amount debited in the energy bill in the month of Oct-23.

In this regard, the consumer had submitted a request letter not to pay an estimate and not to enhance load on dated 27.10.2023 and accordingly a hearing at CRC subdivision office and Circle office done on dated 6.11.2023 and on dated 24.11.2023 respectively.

6.4 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.

f. The complainant prayed that they wanted to enhance their contract demand up to 70KW or 74 KW but not sure at this time and require a week time.

g. 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.

h. It was observed that the complainant had drawn actual consumption in excess of 5% of contract demand four times in FY 2022-23.



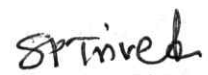
- i. The forum has allowed the consumer a week time to decide but no action from consumer side has seen.
- j. The appellant had made the payment of Suomotu estimate amount Rs. 324716.00 vide MR No. 0844031 Dtd 03.01.2024 at MGVCL, GIDC sub division office.
- k. As per clause no 4.95 of supply code-2015, *"if the maximum demand recorded exceeds 5% or more for at least four times during the last financial year, the licensee is required to issue a 30-day notice to the consumer for submitting an application to enhance the load. Should there be no response from the consumer by the end of this notice period, the licensee is obligated to initiate the procedure to enhance the consumer's contract demand to the average of the four maximum demand recordings displayed by the consumer's MDI meter in the last financial year. In such a case, the consumer shall be liable to pay all applicable charges as per the provisions of the code for the regularization of the enhanced demand "*

ORDER

5.0 The Forum has come to the conclusion that estimate issued for additional load by the respondent Deputy Engineer of GIDC sub division of Madhya Gujarat Vij Co Limited, under clause No. 4.95 of supply code, 2015 to the complainant M/s. Varsha Plast, 825, GIDC, Makarpura, Vadodara 390010 is in order.




(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

