

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 REDRESSALFORUM
MADHYA GUJARAT VIJ COLIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Complaint No.	MG-II-29-2024-25
Complainant	M/s. Gaurang Minerals Associates, Station Road Chhotaudepur 391165
Respondent	Deputy Engineer, MGVCL, Chota-Udepur Sub-Division
Date of hearing	08.10.2024 at MGVCL Corporate Office, Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri V N Rathva, I/c (RA&C) MGVCL Vadodara

The complaint dated 06.09.2024 (received on 18.09.2024) regarding use of their Private transformer in LT connection and compensation of rent thereof.

1.0 On date 08.10.2024, the case of the Complainant's Grievance was heard before Consumer Grievance Redressal Forum wherein Altafbhai Ishakbhai Surti and Shri T.C. Choksi, appeared on behalf of complainant M/s. Gaurang Minerals Associates, whereas Ms. Rachna Mistry, Deputy Engineer, MGVCL Chota-Udepur Sub-division appeared as Respondent on behalf of MGVCL before the Forum. Both the parties were heard.

After hearing both the parties, the Respondent was directed to submit within 3 days verifying ownership of the Distribution Transformer, whether maintenance of



the said transformer was done by MGVCL or not and whether any earlier claim for rent was made by the Complainant or not?. Similarly complainant was also advised to provide proof of claims if made in past, and any document to prove the ownership of the transformer. The Respondent submitted her reply vide L.No.CTD/Tech/9227 Dtd. 10.10.24.

The complainant submitted email dtd. 11.10.24 to convener, CGRF with .pdf copy of a Letter dtd. 10.05.2003 addressed to Deputy Engineer, Gujarat Electricity Board, Chota-Udepur requesting to return their transformer of the HT connection as three years were completed of converting HT to LT connection and as the transformer was given only for two years. However no proof of ownership of the transformer is submitted.

2.0 The brief history of the case is as under -

2.1 The complainant M/s. Gaurang Minerals Associates, near Railway station Chhotaudepur, had an 100 KW LTMD connection, bearing consumer No. 11701/10182/3. This LT connection is converted from LT to HT connection of 125 KVA (LT metering but HT for billing purpose) **under suomoto load addition** and the L.T consumer No. 11701/10182/3 is made PDC from date 14.08.24.

2.2 Earlier, there was an HT connection (HT Consumer No. 13316), which was converted to LT connection of 125 H.P. in the Year 2020.

2.3 As submitted by the complainant, after converting the HT connection to LT connection, the private 200KVA transformer of the consumer which was in use for the HT connection, is utilized by MGVCL for giving power supply at LT voltage Level to the consumer. The consumer wants MGVCL to spare their private transformer and compensate them with the rent of transformer Rs.5000/- per month for 24 years with 18% interest.

2.4 The consumer had made written representation about point no. 2.3 stated above, to the Executive Engineer, MGVCL Bodeli Division vide letter dtd. 13.08.24.



- 2.5 Regarding consumer's letter dtd. 13.08.24, the E.E., MGVCL, Bodeli Division replied to the consumer vide Letter No. BDL/Tech/DE-1/2024/Gaurang Minerals Associate / 3194 Dtd. 16.08.24, that his application to pay rent cannot be considered as there is no such provision, and the approval for Load reduction from HT to LT in the Year 2000 was given by erstwhile GEB with a condition to utilize the HT connection's transformer .
- 2.6 The consumer being not satisfied with the above reply of the Respondent, and hence approached CGRF vide application dated 06.09.2024 (received on 18.09.2024).
- 3.0 The representative of the complainant contended that -
- 3.1 The complainant M/s.Gaurang Minerals Associates, near Railway station Chhota-udepur, having load of 100 KW LTMD connections, having consumer No. 11701/10182/3.
- 3.2 Their unit was previously HT connection before 28.03.2000, and so 200 KVA transformer was their private one.
- 3.3 When they have raised the load from 91 KW to 100KW by paying estimate amount Rs.3,55,277/- in October 2022, MGVCL considered and released additional load under "A" category. Surprisingly since 28/03/2000 to till date, MGVCL sub division /Division administration did not take pain to spare their private transformer.
- 3.4 The complainant requested Forum to consider their genuine case and compensate the rent of transformer Rs.5000/per month for 24 years with 18% interest. $\text{Rs.5000} \times 24 \times 12 = 1440000 + 216000 = 1656000 /$ (As on 28/03/2024).
- 3.5 The complainant has submitted a copy of letter dtd. 25.09.24 (received on date 3.10.24) requesting E.E., MGVCL, Bodeli Division to convert their electrical connection again to LT connection as per GERC (Electricity Supply Code and Related Matter) (Fourth Amendment) Regulations 2024.



4.0 The respondent contended that,

4.1 The consumer No. 11701/10182/3 was an LTMD Consumer having contracted load of 90.5 i.e. 91 KW released on 28.03.2000 in past.

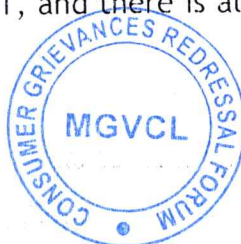
4.2 The notice of excess demand of the consumer No. 11701/10182/3 was sent to the Consumer vide letter No. MGVCL/ Chhotaudepur / Suo Motto / 2024 / 2417 Dt. 01.06.23 for excess load from 91 KW to higher 11 times. And Suo-Moto Procedure as per norms proceeded from 91 to 100 KW vide SR No. 7313788 from this office. And add load released on dated 16.02.23.

4.3 After that notice of excess demand of the consumer No. 11701/10182/3 was sent to the Consumer vide letter No. MGVCL/ Chhotaudepur / Suo Motto / 2024 / 2776 Dt. 20.04.24 for excess load from 100 KW to higher for 5 times. The process from LT to HT conversion carried out and new HT Connection was released on dated 13.08.24, whereas 11701/10182/3 was done PDC on dated 14.08.24.

4.4 There is no any record of consumer No. 11701/10182/3 in subdivision office, which proves that this consumer is converted from HT to LT due to 28.03.2000 release date.

4.5 At present looking the Name plate of transformer, "Property of GEB/MGVCL" is not mentioned. Therefore it is difficult to say about ownership of transformer.

4.6 In the representation done by consumer, the consumer had claimed transformer rent casually orally, they have not submitted any documentary evidence regarding ownership. They had not submitted any purchase bill of transformer. As per GUVNL letter No. GUVNL/GM (Comm)/469 Dt. 21.04.2018, Point No. 3, DISCOMs may not introduce a new practice of Renting transformer for LT to HT, and there is also no any provision of Rent in supply code or regulations.



4.7 At present, there is no any cost data for rent of transformer, therefore it cannot be suggested. In this office, consumer never represent verbally or on-paper for application / Grievances regarding transformer. Further, the claim submitted is time barred, therefore cannot be entertained.

4.8 As and when required, GEB & MGVCL has maintained the transformer at the time of HT Feeder maintenance.

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 Complainant was having an LTMD Connection consumer No. 11701/10182/3 having contracted load of 90.5 i.e. 91 KW, which was released in the Year 2000. Contract Demand was subsequently enhanced to 100 KW LTMD under suo moto procedure on date 16.02.2023 and thereafter, the process from LT to HT conversion carried out and new HT Connection of 125 KVA was released on date 13.08.24 (LT Metering but HT billing), whereas LT consumer No. 11701/10182/3 was done PDC (permanent disconnection) by MGVCL on dated 14.08.24.

5.2 The approval for conversion from HT to LT Supply in respect of M/s Gaurang Mineral Industries at Chota Udepur Cons.No. 13316 was issued by Addl Chief Engineer (CZ), Vadodara of erstwhile Gujarat Electricity Board was accorded vide L.No.4869 Dtd. 05.02.2000. The approval Letter includes the condition, *“ the consumer will have to allow the GEB to use his transformer for purpose of giving him LT Supply at his risk and cost for a period not more than 2 years from the date of release of LT Supply. Consumer will have to maintain the transformer at his cost.”*

5.3 A copy of the “Agreement Finalization Form” signed by the then Deputy Engineer , GEB, Chota Udepur Sdn shows that Conversion of HT to LT connection in respect of M/s Gaurang Mineral Industries was actually done for 125 HP of Load for which Firm Quotation was paid on date 14.06.2000.



However, date of release and the Consumer No. is not mentioned on the said document.

5.4 The Respondent submits that there is no any record of consumer No. 11701/10182/3 in subdivision office to prove that this consumer is converted from HT to LT due to 28.03.2000 release date.

5.5 The complainant could not provide Purchase Bill of the Distribution Transformer to prove their ownership. The Respondent also could not prove that the Distribution Transformer through which the power supply of the LT connection No. 11701/10182/3 is being catered, is owned by MGVCCL or Gujarat Electricity Board. A Copy of the photo of the name plate of the Transformer shows it to be of Voltamp Transformers Pvt Ltd. Make, Sr.No. 7721 (First digit not clear though), 200 KVA and Year of Manufacture as 1974. Field named "Consumer's Ref" on the name plate appears to be Blank.

5.6 here is no internal Circular or Regulation of Hon'ble GERC to decide about the compensation or rent to be given for using a Transformer by the Licensee.

5.7 Under suomotu procedure, the LT Connection No.11701/10182/3 is now billed as HT Connection with Contract Demand of 125KVA from date 13.08.24.

5.8 The consumer wants to convert its HT Billed connection back to LT connection as per GERC (Electricity Supply Code and Related Matter) (Fourth Amendment) Regulations 2024, which allows Contract Demand upto 150KVA at LT Voltage Level

ORDER

6.1 The complainant may provide sufficient document to prove ownership of the transformer to the Respondent within 15 days on receipt of this order. The Respondent may return the old transformer after receipt of the



document of ownership from the Complainant and conversion of the connection to LT connection.

6.2 No order is made regarding rent of the transformer as it is not supported by any internal Circular of MGVL or GERC Regulation.

6.3 Respondent to submit Action Taken Report within 30 Days of the Order.

V N Rathva

(V N Rathva)

I/c Technical Member

S P Trivedi

(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.

