

**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**

Complaint No.	MG-III-31-2024-25
Complainant	M/s. Nodule Cast, Shed No.785, GIDC Estate, Makarpura, Vadodara 390010
Respondent	Deputy Engineer, GIDC s/dn, MGVCL.
Date of hearing	26.11.2024 MGVCL Corporate Office, Vadodara

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

The complaint dated 06.11.2024 regarding to cancel suomotu estimate issued for LT to HT, consumer No.14212/51186/0.

1.0 On 26.11.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Prayas Vyas, appeared on behalf of complainant M/s. Nodule Cast, whereas Shri H M Prajapati, Deputy Engineer, GIDC Makarpura 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 is having consumer No.14212/51186/0, shed No.785 GIDC Makarpura, Vadodara, with a Contract Demand of 100 KW.

2.2 During the month of July 2024, actual demand recorded in the meter was 110.22 KW against the actual Contract Demand of 100 KW.

2.3 The complainant had again crossed their Contract Demand in Aug 2024 and recorded demand was 110.90 KW

2.4 MGVCL, Baroda City Circle office had issued suomotu estimate for 123 KVA HT load on dated 24.10.2024.



2.5 The complainant had represented vide their letter dated 28.10.2024 to Superintending Engineer (City) Vadodara, & requested to allow them under LT category with a load of 125 kW.

2.6 During FY 2022-23, the complainant had crossed their Contract Demand more than 5% for more than Four times and for that suomotu estimate for LT to HT conversion was issued on 29.11.2022 by Baroda City Circle, MGVL, Vadodara.

3.0 The representative of the complainant contended that -

3.1 Not to charge Estimate amount in the regular Energy bill as mentioned in the suomotu **notice**.

As mentioned within the notice, if the payment for the SUOMOTO charges are not done within the stipulated time, then the same shall be added within the Energy bill issued.

The energy bill and estimate are two different things, the energy bills are as per prevailing the applicable tariff order while estimate is as per supply code. Any outstanding amount in energy bills is charged for the delayed payment charges (DPC) for the delayed period. Hence requested to kindly provide us the waiver for the same.

3.2 **Estimate:** Estimate is to be served after joint survey as per section 4.27 of supply code to fix the metering near entry of the premises outside or inside.

3.3 The existing construction, gate width for the transportation of truck and overhead crane is not permitting the space within the premises near entry for, erection of isolation structure for HT supply of Consumes side and space for 11 KV overhead line and CTPT and metering structure. They requested to get it re-examine in light of regulation that what was position fixed by surveying officers for metering arrangement. When it is not feasible for installation of HT supply-isolation and structure for CTPT, what is the basis of the estimate -been issued.

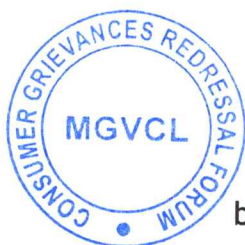


3.4 In previous year such exceeding of contract demand has not occurred frequently. Current/ existing meter has recorded excess MD only after the failure of the Load balancer which is installed within- our premises. The same has been rectified at our end and is now in place for its appropriate use.

Sr No.	Billing Month	Maximum Demand Used
1	October 2024	102.4
2	September, 2024	105.86
3	August, 2024	110.86
4	July, 2024	110.22
5	June, 2024	102.52
6	May, 2024	100.8
7	April, 2024	100.58
8	March, 2024	98.64
9	February, 2024	98.92
10	January, 2024	97.60
11	December 2023 -	98.0
23	November, 2023	98.0
13	October, 2023	98.82

3.5 They were ready to extend their load up to 150 KW as contact demand under the new law passed as per the new government circular dated – 31.08.2024 from Gujarat Electricity Regulatory Commission, Gandhinagar where they have mentioned in the point – 2, section – 3 of the principal code – Clause – 3.2 – The rated voltage of the AC Supply shall be as under:

a. For All installations exceeding 6KW of connected load and upto 100 KVA / KW of contracted Demand / Up to 150 KVA / KW of contracted demand if opted by the applicant / consumer. The system of supply shall be 400 V- Three Phase.



b. It has been ordered by one of the 4 DISCOMs of erstwhile, GE Board that DISCOM cannot force to avail the HT supply to LT Consumer.

3.6 It has been ordered by the CGRF of one of the 4 DISCOMs of erstwhile, GE Board that DISCOM cannot force to avail the HT supply to LT Consumer. The Part of its Orders attached with their CGRF application.

3.7 They had represented to SE, Baroda City Circle, MGVCCL vide letter dtd 28.10.2024 to extend their load in LT supply, instead of HT in suomotu procedure and got no response.

4.0 The respondent contended that -

4.1 The complainant is having 100 KW LTMD load for their unit located at - Shed No. 785-GIDC, Makarpura, Vadodara, bearing consumer No. 14212/51186/0.

4.2 The complainant had crossed MD four times during FY- 2022-23 which is as under,

Sr No	Month	Contract Demand(KW)	Actual Maxm. Demand(kw)	Remarks
1	APR-22	94.5 KW	107.8	Excess 14.00%
2	MAY-22		108.9	Excess 15.23%
3	JUN-22		109.0	Excess 15.34%
4	JUL-22		103.9	Excess 9.94%

4.3 As upto the month of Mar-23, the complainant had crossed four times the permissible limit of maximum demand and GIDC s/dn office had issued a final notice to the complainant vide letter No. 8734 dated-29.8.2022 by registered post for regularizing contract demand to 107.4 kw (Average of maximum demand recorded)

4.4 As the complainant had not turned in for any action at their end regarding enhancement of load, as per clause no 4.95 of supply code 2015, MGVCCL Division office had started the suomotu process and accordingly by averaging four maximum demand crossed by the complainant during FY- 22-23 i.e. 107.4 KW (Avg of crossed maximum demand), an estimate of Rs.7,27,247/- dated 29.01.2022 was issued for enhancement of load from 94.5 kw to 120 KVA.

4.5 The complainant had raised their grievance to C G R F for suomotu estimate on 06.03.2023 and C G R F had heard the grievance of the complainant and ordered on 26.04.2023 as under:



“ 5.1 The procedure for enhancing the contract demand from 94.5 KW LTMD to 120 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. Nodule Cast, Plot no.785 GIDC, Makarpura, Vadodara.

5.2 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 94.5 KW and the demand of 120 KVA and continue power supply under the 94.5 KW LT Connection of the Complainant. If the Complainant draws 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.

5.3 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 94.5 KW to 120 KVA HT shall be considered to be deemed cancelled on receipt of payment of minimum charges as per 5.2 above. Suomotu Estimate paid by the complainant to be adjusted in Energy bill".

4.6 As per CGRF order dated 26.4.2024, complainant paid minimum charges amount of Rs.1,55,514/- on dated 6.6.2023 and remained as LT consumer.

4.7 Complainant had applied for additional load from 94.5 KW to 100 KW in the month of Aug-2023 and regularized load upto 100 kw in the month of Aug-2023.

4.8 During FY-2023-24 consumer had drawl within their contract Demand

4.9 Complainant had MD crossed three times the permissible limit during FY-2024-25 as under:



Sr No	Month	Contract Demand(KW)	Actual Maxm. Demand(kw)	Remarks
2	JUL-24	100 kw	110.2	Excess 10.2%
3	Aug-24		110.9	Excess 10.9%
4	Sept-24		105.9	Excess 5.9%

4.10 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 “

4.11 As the consumer has violated clause no 4.95 of supply code 2015 SECOND TIME (Violation of CGRF ORDER DATED-26.4.2023), Baroda City Circle office had issued estimate on 24.10.2024 under suomotu amounting Rs.10.63,177/- for 123 KVA HT demand. If estimate dated 24.10.2024 not paid by the complainant, the said amount will be debited in the energy bill to regularize the connection.

4.12 Recently as per GERC Notification No. 14 dated 26.9.2024, For all installation with Contract Demand exceeding 100 / 150 KVA/kW and up to 4000 KVA/kW.- SUPPLY SYSTEM -11KV & 22KV THREE PHASE.

4.13 Complainant had requested to remain in LT category with load of 150 kw as per notification no.14 dated 26.9.24.

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 Hon'ble GERC, Gandhinagar in its order No.08 / 2024 dtd 25.09.2024 in Petition Nos.2318/2024, 2319/2024, 2320/2024, 2321/2024, 2323/2024, 2324/2024, 2325/2024, 2326/2024, 2327/2024, 2328/2024, in the matter of filing Petition for Truing up for 2022-23 and approval of ARR for FY 2024-25 and determination of tariff for FY 2024-25 for DGVCL, MGVCL, UGVCL, PGVCL, TPL-(D)(A), TPL-(D)(S), TPL-D(Dahej), MLL, GIFT PCL, and AIVPL had revised the tariff order and revised Tariff Schedule of is as under:



LT Tariff Category :

For all installations upto 100 KVA/ KW of contracted demand/ KW of Contract Demand / upto 150 KVA / KW of Contract Demand, if opted by the applicant / consumer .

This alteration / addendum shall come into effect from the date of Notification of GERC (Electricity Supply Code and Related Matters) (Fourth Amendment) Regulations 2024, Notification No.14 / 2024 dated 23.09.2024.

5.2 As per para 5.1 above, applicant / consumer shall have option to continue as LT connection upto 150 KW.

5.3 The complainant had represented to SE, Baroda City Circle, MGVCCL vide letter dtd 28.10.2024 to extend their load in LT supply, instead of HT in suomotu procedure but no action initiated from their end.

5.4 As per GERC (Electricity Supply Code and Related Matters) (Fourth Amendment) Regulations 2024, Notification No.14 / 2024 dated 23.09.2024 & GERC order No. 08 of 2024 dt 25.09.2024 all installations exceeding 6 KW of Contract load and up to 100 KVA/KW of Contracted demand/ up to 150 KVA/KW of contract demand if opted by the applicant / consumer have option to continue as LT connection upto 150 KW.

ORDER

6.0 The Forum has come to the conclusion that -

6.1 As per para 5.1 above, the applicant / consumer has option to continue as LT connection upto 150 KW. Accordingly, the complainant M/s Nodule Cast may register their application for load enhancement with the respondent MGVCCL, immediately within 10 days from receipt of the order.

6.2 On regularization of the additional load observing necessary formalities as per MGVCCL norms, suomotu estimate letter No. MGCOV/0977/10/2024 Dtd



24-10-2024 issued by Baroda City Circle Office, MGVCL, Vadodara for 123
KVA HT demand shall cancelled.

(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

