CGRF formed under the provision of IE Act 2003, Sub Clause 42(5) as well Notifications No.2/2019 and No. 03 of 2023 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-II-14-2025-26
Complainant	M/s Mahavir Quarry Works, Behind Satkeval Quarry Works, Godhra Road, Village: Limdi, Tal: Zalod, Dist: Dahod
Respondent	Madhya Gujarat Vij Company Limited (MGVCL)
Date of hearing	12.11.2025 at Corporate Office, MGVCL Vadodara

QUORUM	NAME
Chairperson	Shri P C Patel, ACE (RA&C) MGVCL Vadodara
Finance Member	Shri Neeraj Jangid, I/c CFM, MGVCL Vadodara
Independent Member	Shri Sajjansinh A Padwal
Representative of Consumer	Shri K.B. Dhebar
Representative of Prosumer	Shri M.M. Piprotar

The complaint dated 25.09.2025 (CGRF Application No. MG188) regarding refund of HT Security Deposit from LTMD connection.

1. On 30.09.2025, the case of the Complainant Grievance was scheduled for hearing before Consumer Grievance Redressal Forum wherein Shri Yash Modhiya appeared on behalf of the Complainant
2. Complainant's representative Shri Yash Modhiya was unable to provide authority letter.
3. As complainant's representative failed to provide authority letter to appear on behalf of the complainant and make submissions on his behalf, the proceedings on 30.09.2025 was adjourned.
4. On 12.11.2025, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Babubhai Mori & Nilesh Gehlot appeared on behalf of the Complainant whereas Shri R.M.Bhabhor, I/c Executive Engineer Dahod (O&M) Division and Shri Vasaiya, I/C Deputy Engineer, Limdi Sub Division appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

5.0 The brief history of the case is as under -

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5.1 M/s Mahavir Quarry Works is having a 51 KW LTMD connection bearing Consumer No. 50301044651, behind Satkeval Quarry Works, Godhra Road, Village: Limdi, Tal: Zalod, Dist: Dahod, under MGVCL Limdi Division.

5.2 During the financial year 2022-23, on more than four (4) occasions, the Actual Demand in respect of M/s Mahavir Quarry Works, LTMD Consumer. No. 50301044651 exceeded the Contract Demand by more than five percentage (5%).

5.3 As per Clause No 4.95 of GERC Supply Code-2015, notice was issued on 22.02.2023 by MGVCL Limdi sub division for load regularization.

5.4 However, since consumer did not come forward for load regularization, MGVCL initiated Suo Moto Procedure for LT to HT conversion for 130 KVA New HT Demand. An estimate of Rs 11,53,625.00 was issued to the consumer on 21.12.2023.

5.5 Since the estimate was not paid by M/s Mahavir Quarry Works, MGVCL Limdi Sub Division has debited the amount of Rs. 11,53,625.00 to the LT consumer No. 50301044651.

5.6 The consumer vide CGRF Application No. MG 188 has represented to refund of HT Security Deposit from LTMD connection.

6.0 The representative of the complainant contended during the hearing that -

6.1 They have LT connection of 51 KW, Consumer No. 50301044651 under Limdi sub division.

6.2 Since last many months they are utilizing more load than their contract load with MGVCL and have received notice from MGVCL.

6.3 They have paid Rs. 11,53,625.00 as security deposit for conversion of LT connection to HT

6.4 As per MGVCL's new Circular their LTMD load is not considered as HT and hence their Connection to be kept as LT instead of HT.

6.5 At present they are consuming more power than their contact load of LT and hence please enhance their LT connection load to 140 KW.

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6.6 It is requested to adjust the Estimate amount for LT Load addition to 140 KW from Security deposit paid by them for HT connection and refund the balance amount to their consumer account No. 50301044651.

6.7 Complainant had registered online application for LT load addition from 51 KW to 140 KW on 31.07.2025. Estimate under suomotu procedure for LT to HT - 130 KVA conversion was already issued and paid.

6.8 Application for additional LT load from 51 KW to 140 KW was cancelled.

7.0 The respondent contended that -

7.1 During the FY 2022-23, the Contract demand of LT Consumer No. 50301044651 exceeded more than five percentage (5%) on various occasions and thereafter also consumer has continued overdraw, which is as under:

Sr No	Billing Period	Actual Demand Recorded (KW)	Contract Demand (KW)	% Excess Demand (KVA)
1	April - 22	110.1	51	116
2	May - 22	97.4	51	91
3	June - 22	107.2	51	110
4	July - 22	110.3	51	116
5	Aug - 22	106.8	51	109
6	Sep - 22	91.3	51	79
7	Oct - 22	91.3	51	79
8	Nov - 22	97.7	51	92
9	Dec - 22	92.1	51	81
10	Jan - 23	94.9	51	86
11	Feb - 23	128.1	51	151
12	Mar - 23	118	51	131
13	April - 23	128.6	51	152
14	May - 23	113.9	51	123
15	June - 23	118.4	51	132
16	July - 23	117.5	51	130
17	Aug - 23	97.7	51	92
18	Sep - 23	98.6	51	93
19	Oct - 23	90.1	51	77
20	Nov - 23	85.9	51	68
21	Dec - 23	105.6	51	107
22	Jan - 24	107	51	110
23	Feb - 24	116.2	51	128
24	Mar - 24	109.7	51	115
25	April - 24	95.7	51	88
26	May - 24	92.3	51	81
27	June - 24	94.4	51	85

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28	July - 24	103.1	51	102
29	Aug - 24	102.9	51	102
30	Sep - 24	95.2	51	87
31	Oct - 24	9.3	51	-82
32	Nov - 24	100.7	51	97
33	Dec - 24	98.7	51	94
34	Jan - 25	126.3	51	148
35	Feb - 25	120.6	51	136
36	Mar - 25	123.7	51	143
37	April - 25	120.7	51	137
38	May - 25	123.4	51	142
39	June - 25	98.9	51	94
40	July - 25	99	51	94
41	Aug - 25	85.9	51	68

7.2 As per Clause 4.95 of GERC Supply Code-2015, 30 Days' Notice issued to the Consumer through letter No. LMD/Billing/691 dated 22.02.2023 for load regularization.

7.3 However, since consumer did not come forward for load regularization, MGVCL initiated Suo Moto Procedure for LT to HT conversion for 130 KVA New HT Demand and an estimate of Rs. 11,53,625.00 was issued on 21.12.2023.

7.4 Since the estimate was not paid by M/s Mahavir Quarry Works, MGVCL Limdi Sub Division has debited the amount of Rs. 11,53,625.00 /- to the LT consumer No. 50301044651 on 29.07.2024.

7.5 Complainant had paid the Suomoto Estimate for LT to HT conversion through RTGS Rs. 10,00,000.00 on 18.09.2024 and Rs. 1,53,625.00 on 10.10.2024

7.6 Complainant had applied for 49 KW additional load (Existing 51 KW + Addl 49 KW = 100 KW) on 07.12.2018 and paid registration charges Rs. 400/ vide MR No. 084547, SR No. 5043355. Estimate for 49 KW additional load amounting to Rs. 3,29,413.00 was issued on 16.01.2019 and Estimate was paid on 22.01.2019. Two Month Notice was issued on 16.03.2019. Consumer has not submitted Test report till date.

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7.7 In PRT 145 ledger sheet from May'2019, 100 KW load appeared but contract demand as 51 KW.

7.8 Limdi sub division has undertaken line work for LT to HT conversion and which was stopped due to objection by third party for Right of way.

7.9 Complainant had registered application for load enhancement from 51 KW LT to 140 KW LT on 30.07.2025, which was cancelled as LT to HT conversion suomoto Estimate was paid earlier and line erection work was held up due to objection in line erection work.

7.10 Complainant had applied at sub division office for refund of deposit amount paid for HT connection on 30.07.2025 and requested to keep their connection as LT.

8.0 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% of Contract Demand four times during financial year 2022-23 and hence the respondent MGVCL had issued 30 days' notice to the complainant for submitting an application form for enhancement of load.

5.2 Complainant has continuously over drawn the power against contact demand since FY 2022-23 and endanger the grid.

5.3 It was observed that complainant has not made application for load addition based on the notice for excess demand issued by Limdi Sub division office.

5.4 Clause no. 4.95 of Supply Code regarding review of Contract load is as under :

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Clause No. 4.95 of supply code, 2015 - 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 demand will be considered as revised contact demand on receipt of such charges and all provisions of agreement shall be applicable to such consumers for revised contract demand.

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 25% or more than the Contracted Load/ Sanctioned Load in case of Residential Consumers and 10% 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.

5.5 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.

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8.1 Respondent MGVCL has issued suomotu Estimate for enhancement of load from LT 51 KW to HT 130 KVA on 21.12.2023 and as they didn't made the payment, the Estimate was debited on 29.07.2024 to consumer account.

8.2 Complainant had paid the Suomoto Estimate for LT to HT conversion through RTGS Rs. 10,00,000.00 on 18.09.2024 and Rs. 1,53,625.00 on 10.10.2024.

8.3 The respondent MGVCL Limdi sub division has submitted that line work for conversion of LT to HT could not be completed as there was objection at site. They have failed to provide any documentary evidence for objection raised for line erection work. Thus work could not be completed despite of payment of the Estimate by the complainant.

8.4 The complainant prayed that they wanted to continue consumption of electricity as per the contracted demand under the LT connection and he doesn't require HT tariff connection as per the contract demand of 130 KVA as proposed by the Respondent.

8.5 In such type of cases, when the complainant has requested to continue with LT power supply, 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 needs to be recovered. This is in line with the orders passed by the ombudsman in 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

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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.

5.6 H'ble GERC vide Notification No. 14 of 2024 dtd 23.09.2024, issued Fourth Amendment in Supply Code Regulations and clause 3.2 of the principal regulations substituted as under,

"3.2 The rated voltage of the AC supply should be as follows

CATEGORY	System of Supply
For all installations up to and inclusive of 6 kW of Connected Load, subject to motive power load other than irrigation pump not exceeding 2 HP in the aggregate.	*230 V- Single Phase*
For all installations exceeding 6 kW of Connected Load and up to 100 kVA/kW of Contracted Demand / up to 150 kVA/kW of Contracted Demand if opted by the applicant / consumer	*400 V - Three Phase*
For all installation with Contract Demand exceeding 100 / 150 kVA/kW and up to 4000 kVA/kW. However, for the existing 22 kV consumer, the Contact Demand limit shall be extended up to 8000 kVA/kW subject to undertaking from consumer for reverting back to 4000 kVA/kW limit in case of change of system to 11 kV under system conversion scheme.	*11 kV and 22 kV - Three Phase*
All installation with Contract Demand exceeding 4000 kVA/kW.	*At 33 kV and above- Three Phase*

Accordingly Consumer may opt LT load up to 150 KW.

8.6 Complainant had applied for 49 KW additional load (Existing 51 KW + Addl 49 KW = 100 KW) and paid Estimate for 49 KW additional load amounting to Rs. 3,29,413.00 on 22.01.2019. Two Month Notice was issued on 16.03.2019. Consumer has not submitted Test report till date. Limdi sub division has failed to bill the consumer for 100 KW LT load after completion of two month notice period i.e. from 16.05.2019.

8.7 GERC Supply Code, 2015 with amendments thereof clause No. 4.42 provides as "On ***completion of the work, Licensee shall inform to the applicant for availing the power supply and if the applicant fails to avail of the power within the period of sixty days from such intimation, he shall be liable to pay the demand charges and minimum monthly charges as applicable. The Distribution Licensee may, in special circumstances, extend the above period of sixty days."***

8.8 The complainant has not submitted Test Report of their internal wiring for 100 KW load and failed to avail the power supply within sixty days from the date of Two Month Notice issued by respondent and hence liable to pay the demand charges and minimum monthly charges for 49 KW additional load (Existing 51 KW + Addl 49 KW = 100 KW) for billing purpose

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only. Physical additional load to be released only after submission of Test Report by the complainant.

ORDER

1.0 The Forum has come to the conclusion that

5.1 The procedure for enhancing the contract demand from 51 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 in respect of complainant M/s. Shri Mahavir Quarry Works.

5.2 In view of the complainant's representation to be continued as LT consumer, the respondent shall collect the difference towards minimum charges of two years for the difference between the contracted load of 51 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 Regulation-2015 and regularize the contract demand of the complainant by taking the specific action immediately as per the aforesaid Provisions.

5.3 Consumer shall be billed for 100 KW LT contract demand from the date of completion of TMN notice i.e.16.05.2019 and accordingly any recovery of difference of demand charges of 100 KW and 51 KW shall be done as per rules and regulations in force.

5.4 Suomotu Estimate paid by the complainant to be adjusted against the payment of difference towards minimum charges of LT 51 KW and HT 130 KVA for the period of two years as stated above and difference of demand charges of 100 KW and 51 KW LT from 16.05.2019 and balance amount if any, after adjusting the amount towards work carried out, if any, shall be given credit/debit in energy bill. Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 51 KW to 130 KVA shall be considered as deemed cancelled.

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5.5 After adjustment of charges as per 5.4 above, the Complainant shall apply for LT additional load to continue as LT connection as per provision of clause No. 3.2 of the GERC, supply Code, 2024 (Fourth Amendment).

5.6 With this order, consumer's representation/application stands disposed of.

(M M Piprotar)
Representative of Prosumer

(K B Dhebar)
Representative o Consumer

(Dr S A Padwal)
Independent Member

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(N R Jangid)
Finance Member

(P C Patel)
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, Ground Floor & First Floor, CMIS Building Telephone Exchange, Bimanagar, Jeevandham Road, Ahmedabad 380015, 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