

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-25-2023-24
Complainant	M/s. Alnur Export Unit Mannat Cold Storage, N H No.8, Village Gutal 387 370, Tal: Nadiad, Dist: Kheda
Respondent	Shri K M Shah, Executive Engineer, Nadiad (City) division of MGVCCL.
Date of hearing	28.12.2023 & on 24.01.2024 both at Corporate Office, MGVCCL Vadodara (where complainant not present) & attended on 27.03.2024.

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri B J Desai, ACE (RA&C) MGVCCL Vadodara

The complaint dated 23.11.2023 regarding Demand Charges difference bill of Rs.3,76,246/- as per Government Audit.

1.0 Earlier Hearing was scheduled on 28.12.2023 & 24.01.2024 whereas complainant had asked adjournment and did not present. During hearing on 27.03.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Mr. Sajid M Kapadiya, Partner, appeared on behalf of complainant Alnur Export Unit Mannat Cold Storage, N H No.8, Village Gutal 387 370, Tal: Nadiad, Dist: Kheda whereas Shri K M Shah, Executive Engineer, Nadiad (City) division appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 As per Government Audit Para letter no. ES-1/Party No - VII /POM -4/ Dt : 25.04.2019, an amount of Rs. 3,76,246/- is to be recovered against short recovery of demand charges as per tariff during the period between April 2012 to October 2017.

2.2 Respondent vide letter dated 27.03.2023 requested to complainant to pay Rs.3,76,246/- as per audit recovery. On 19.05.2023, application was given



by the complainant submitting objection to pay the amount. Subsequently, an amount of Rs.3,76,246/- was debited to the customer account in the month of May 2023.

2.3 MGVL Field office has written a letter to MGVL circle office vide letter No.NCD/Rev/2686 08.06.2023 with the customer's application and again written a letter dated 19.10.2023 to circle office for guidance.

2.4 On 02.11.2023, field office written to the complainant to pay the amount and on dated 23.11.2023 objection was again filed by the customer.

2.5 On 26.12.2023, the complainant has asked the information from corporate office MGVL under Right to Information Act 2005 of HT seasonal consumers like Al-Noor, for the period from April-2012 to 2017 from whose recovery of demand charge has been demanded.

2.6 The complainant has filed grievance before CGRF vide letter dated 23.11.2023 to waive audit para bill.

3.0 The representative of the complainant contended that -

3.1 The complainant is having HT connection of 200 KVA bearing consumer No.15233 located at N H No.8, Village Gutal 387 370, Tal: Nadiad, Dist: Kheda.

3.2 The complainant is having connection since long and they are paying MGVL bills regularly without fail.

3.3 After long period, as per Government Audit, MGVL has issued demand charges bill of Rs.3,76,246/- for the period from 2012 to 2017 and stated that if they do not pay this bill, MGVL will disconnect power supply.

3.4 MGVL has also not mentioned in energy bill on which law they have issued bill.

3.5 The complainant has paid all bills in time as per the rules & regulations of GUVNL and its subsidiary companies.



3.6 For this matter, complainant had already informed to field level but not received suitable reply from MGVCL so they approached to C G R F for natural justice.

3.7 MGVCL has given audit bill which is against the natural law and as per law of Hon'ble Court & negotiable Act, if any organization cannot demand for pending dues, if they did not demanded for continuous three years.

3.8 Complainant has also requested to provide information that if MGVCL has recovered old dues (since long years) from consumers.

3.9 They have purchased this unit during 2013-14 so MGVCL could not demand old dues from the new owner.

3.10 They requested to waive audit para bill of Rs.3,76,246/- as NULL & VOID.

3.11 Complainant has requested to Forum to give natural justice.

4.0 The respondent contended that -

4.1 As per Government Audit Para letter no. ES-1/Party No - VII /POM -4/ Dt : 25.04.2019, an amount of Rs. 3,76,246/- is to be recovered against short recovery of demand charges as per tariff during the period between April 2012 to October 2017.

4.2 As per above audit para, they sought guidance from circle office vide letter dated 13.05.2019, 29.05.2019 & 20.01.2023.

4.3 Respondent vide letter dated 27.03.2023 requested complainant to pay Rs.3,76,246/- as per audit recovery. On 19.05.2023, application was given by the complainant submitting objection to pay the amount. Subsequently, an amount of Rs.3,76,246/- was debited to the customer account in the month of May 2023.



- 4.4 The respondent MGVL written a letter to MGVL circle office vide No.NCD/Rev/2686 08.06.2023 with the customer's application and again written a letter dated 19.10.2023 to MGVL circle office for guidance.
- 4.5 On 02.11.2023, MGVL field office has written a letter to the complainant to pay the amount and on dated 23.11.2023 objection was again filed by the customer..
- 4.6 On 26.12.2023, the complainant has asked the information from corporate office MGVL under Right to Information Act 2005 of HT seasonal consumers like Al-Noor, for the period from April-2012 to 2017 from whose recovery of demand charge has been demanded.
- 4.7 Due to short recovery of demand charges and delay in issue of recovery bill, the complainant did not suffer any loss.
- 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 tariff schedule of MGVL, issued by Gujarat Electricity Regulatory Commission, Gandhinagar, from time to time, the billing demand of HTP-I consumers may be considered highest of the following parameters.
- a) The highest of the actual maximum demand registered during calendar year
 - b) 85% of the contract demand
 - c) 100 KVA
- 5.2 Audit officer (instruction) Indian Audit & Accounts Department, Ahmedabad, vide Audit para dated 25.04.2019, observed that in respect of M/s. Alnoor Export Unit, consumer No.15233 contract demand 200 KVA, the billing demand was not calculated at highest of the above three demands. It was further observed that during period April 2012 to October 2017, the highest of actual maximum demand or 100 KVA was considered as billing demand which resulted into short collection of demand charges to the extent of Rs.3,76,246/-.



5.3 As per audit para, the respondent MGVCL demanded complainant to pay Rs.3,76,246/-, as per tariff approved by the Hon.GERC is in order.

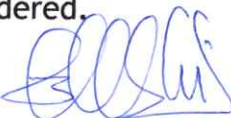
5.4 The complainant's request to waive audit para bill of Rs.3,76,246/- cannot be considered.

ORDER

6.0 The Forum has come to the conclusion that -

6.1 Audit para bill issued by Respondent MGVCL of Rs.3,76,246/-, as per tariff approved by the Hon.GERC to the complainant M/s. Alnur Export Unit Mannat Cold Storage, N H No.8, Village Gutal 387 370, Tal: Nadiad, Dist: Kheda, is in order.

6.2 The complainant's request to waive audit para bill of Rs.3,76,246/- cannot be considered.


(B J Desai)
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