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-IV-29-2023-24
Complainant	Shri Paresh Thakkar, Partner M/s. Jagmag Plastic Industries, Plot No.K1 884/2, Nr Ganesh Weight Bridge, GIDC Makarpura, Vadodara 390010
Respondent	Shri H N Prajapati, Dy Engineer, GIDC, Makarpura s/dn of MGVCL.
Date of hearing	24.01.2024 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 04.01.2024 regarding suomotu estimate issued for LT to HT, consumer No.14212/51379/0.

1.0 On 24.01.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Paresh Thakkar, partner, appeared on behalf of complainant M/s. Jagmag Plastic Industries, Plot No.K1 884/2, Nr Ganesh Weight Bridge, GIDC Makarpura, Vadodara whereas Shri H N Prajapati, Dy Engineer, GIDC, Makarpura s/dn 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 LTMD connection having contract demand of 100 KW for their unit located at K-884-2 -GIDC, Makarpura, Vadodara, bearing consumer No. 14212/51379/0.

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2.2 The complainant had crossed more than four times the permissible limit during FY- 2022-23 which is as under:

Sr No	Month	Contract Demand(KW)	Actual Maxm. Demand(kw)	Remarks
1	AUG-22	80 KW	101	Excess 26.25%
2	SEP-22		111.4	Excess 39.25%
3	OCT-22		108.4	Excess 35.5%
4	NOV-22		106.1	Excess 32.62%
5	DEC-22		106.6	Excess 33.25%
6	JAN-23		110.1	Excess 37.62%
7	FEB-23		109.9	Excess 37.37%
8	MAR-23	100 KW	105.6	Excess 5.6%

2.3 The complainant had applied for enhancement of load from **80 to 100 kw** on dated 14.7.2022 and paid FQ for additional load on dated 30.7.2022. As consumer was falls under "C" category (100 to 200 KVA TC), work completed after receiving of 200 KVA transformer on dated 9.12.2022. Complainant had submitted Test report on dated 23.3.2023 and accordingly connation physically released on dated 25.3.2023.

2.4 As up to the month of Mar-23, the complainant had crossed more than four times the permissible limit of maximum demand (**as per HT connection demand criteria**), respondent MGVCL had issued a final notice to the consumer to process as per HT connection and to regularize the load vide letter dated 29.12.22 and 22.05.23 by registered post for regularizing contract demand.

2.5 Against this notice, complainant has given an application to CGRF on dated 17.05.2023 for withdrawing notice and represented that he did not want to enhance load as per HT connection process but respondent MGVCL not agreed the complainant's application.

2.6 As the consumer has not turned in for any action at their end regarding enhancement of load as per HT connection process, as per clause no 4.95 of supply code 2015, respondent MGVCL had started the suomotu process and accordingly by averaging four maximum demand crossed by the consumer during FY. 2022-23 as 110 kw (Avg of 111.4, 108.4, 110.1& 109.9 kw), and estimate for 122 KVA issued on dated 19.01.2024 by MGVCL City Circle, Vadodara,

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2.7 In this regard, the complainant had again submitted a request letter on dated 4.01.2024 for not to enhance load as per HT connection process as under:

a. They have repaired their CNC machinery to restrain demand in to limit up to contract demand.

b. They don't have crossed the permissible limit of contract demand during FY-23-24.

3.0 The representative of the complainant contended that -

3.1 Due to defect in machinery, the actual demand was crossed contract demand. His father was expired during Corona and due to lack of knowledge, this problem was arise.

3.2 Now, CNC machine has been repaired properly and actual contract demand recorded between 80 to 85 KW.

3.3 They do not require HT connection and made request to allow them to continue 100 KW LT connection and ready to pay minimum charges for two years and keep their actual demand within contract demand of 100 KW.

4.0 The respondent contended that -

4.1 The respondent has submitted that MD was exceeded more than four time during FY 2022-23 & GIDC s/dn, MGVCL Vadodara has issued notice for increased load for more than four times in FY 2022-23.

4.2 In response to the notice the complainant had submitted the application dated 17.05.2023 for withdrawal of notice.

4.3 As the consumer has not turned in for any action at their end regarding enhancement of load as per HT connection process, as per clause no 4.95 of supply code 2015, MGVCL had started the suomotu process.

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4.4 Accordingly by averaging four maximum demand crossed by the consumer during FY. 2022-23 as 110 KW (Avg of 111.4, 108.4, 110.1 & 109.9 KW), and estimate for 122 KVA issued on dated 19.01.2024 by MGVCL City Circle, Vadodara amounting Rs. 10,82,366.00

4.5 The complainant has not paid the estimate.

4.6 The recorded actual demand of consumer from April'23 is as under:

Sr. No.	Billing Month	Contract Demand in (KW)	Actual Demand
1.	Apr 23	100	100.1
2.	May 23	100	100.0
3.	June 23	100	104.9
4.	July 23	100	102.1
5.	Aug 23	100	85.3
6.	Sept 23	100	85.3
7.	Oct 23	100	90.2
8.	Nov 23	100	82.8
9.	Dec 23	100	72.4

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 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% for more than four times during financial year 2022-23, the respondent MGVCL had issued 30 days' notice to the complainant for submitting an application form for enhancement of load.

5.2 It was observed that due to non-response of the consumer by the end of notice period, the procedure for enhancing the contract demand from 100 KW LTMD to 122 KVA HT and estimate issued in accordance with clause No.4.95 of GERC Supply Code 2015 by the respondent is in order.

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 GRIEVANCES REDRESSAL FORUM MGVCL *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 25Yo or more than the Contracted Load/ Sanctioned Load in case of Residential Consumers and l0%o 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.

5.3 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.

a. The complainant prayed that he wanted to continue consumption of electricity as per the contract demand of 100 KW under the LT connection and they do not require HT tariff connection as per the contract demand of 122 KVA as proposed by the Respondent.

b. During the hearing, as per Para No. 3.3, the complainant stated that they agreed to pay the demand charge for a period of 2 years, subject to the difference between the contracted load of 100 KW and the demand of 122 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

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c. 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.

d. In such type of cases, when the complainant had consented to the 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, it is to look into the order passed by the ombudsman in a similar type of cases. Previously, the ombudsman had observed the merits in -

(5) Case No. 46/2021 - Darshan A Shah, order dated. 13.12.2021
(6) Case No. 01/2022 - Dura Plast, order dated.16.06.2022
(7) Case No. 48/2022 - Arvindbhai B Patel, order dated 18.02.2023 and
(8) Case No. 20/2022 - Shri Gobind Nutritions Pvt Ltd, order dated 14.03.2023

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.

ORDER

6.0 The Forum Members present during the hearing considered contentions of both the parties and has come to the conclusion that -

6.1 The procedure for enhancing the contract demand from 100 KW LTMD to 122 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. Jagmag Plastic Industries, Plot No.K1 884/2, Nr Ganesh Weight Bridge, GIDC Makarpura, Vadodara.

6.2 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 100 KW and the demand of 122 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.

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6.3 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 100 KW to 122 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

sptrived.

(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

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