

**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-28-2023-24
Complainant	Mitaben Vikrambhai Patel, Behind Galaxy Petrol Pump Village : Sojitra, Tal: Sojitra, Dist: Anand
Respondent	Smt Sneha Patel, DE Petlad sub division, MGVCL
Date of hearing	27.03.2024 at Corporate Office, Vadodara

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

The complaint dated 01.01.24 (recd on 03.01.24) regarding refund of excess Security Deposit, consumer No.04701/06225/1.

1.0 CGRF has scheduled hearing on 24.01.2024 and Complainant was informed to pattend the hearing. The complainant vide their email dtd 23.01.2024 has informed that they are unable to attend the hearing due to social engagement.

2.0 On 27.03.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Vikrambhai Patel & G R Darji, appeared on behalf of complainant whereas Smt Sneha Patel, DE Petlad, appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard

3.0 The brief history of the case is as under:

3.1 The complainant has demanded new connection of 6.5 KW under NRGP, at B/H Galaxy petrol pump village Sojitra and FQ issued on 7.9.2016.

3.2 The connection of 6.5 KW was released with consumer No. 04701 /06225/1.

3.3 The estimate approved as per C type with augmentation of transformer from 10 KVA TO 25 KVA with 0.065 Km LT ABC:

Particulars	Qty	Rate	Total
Service connection charge	1	6870	6870
Transformer augmentation charge	1	39198	39198
Lt line 3ph 4 wire	0.065	315415	20502
Total			66570



3.4 The Estimate issued to the complainant was as under:

Item	Qty	Total
Fixed charges	1	12000
Adjustment of fixed charge	1	54570
Agreement Charges	1	100
Security Deposit	1	4520
Total		71190

3.5 The complainant had applied for load addition on 08 September 2023 from 6.5 Kw to 38 Kw and FQ Issued of 13-09-2023 of fixed charge and security deposit and agreement charge as under.

Item	Qty	Total
Fixed charges	1	28800
Agreement charges	1	300
Security deposit	1	136298
Total		165398

4.0 The representative of the complainant contended that -

4.1 They had demanded the new connection of 6.5 KW for which Estimate was served on 7/9/2016 which contains details as under:

Particulars	Qty	Amount
Adjustment of fixed charges	1	54570
Agreement fees	1	100
Fixed Charges	1	12000
Security Deposit	1	4520
Total		71190

4.2 The GERC had approved the fixed charges to be levied in respect of new connection for power supply in 2014 vide letter No. 1378 Dtd 24.06.2014.

4.3 There is no any instruction to charge above the specified amount and hence MGVCCL cannot charge Estimate more than the Fixed charges approved by GERC. Thus, recovery made in name of Adjustment of fixed charges Rs 54570/- were wrongly collected and to be refunded with interest at rate of DPC. Even as



per MYT Regulation any excess amount charged by Licensee to be refunded with interest.

4.4 The Additional load of 38 KW was demanded on 8/9/2023 and estimate was served as under on 13/9/2023. The category was missing in terms of works to be carried out.

Particulars	Qty	Amount
Agreement fees	1	300
Security Deposit	1	136299
Fixed Charges	1	28800
Total		165398

4.5 The SD regulation is silent on LT Demand base application. How the amount arrived Rs 136298/- for SD is not worked out. Whether existing SD is deducted or not is also not mentioned in estimate.

4.6 After serving the estimate the demand was made to pay arrears of agricultural connections which has no relation with respect to the land owned by me in my single name. They had to approach MD MGVCL and after due deliberation the matter was resolved and unnecessary delay is made in execution of work, which is proof inefficient services in terms of Standard of performance regulation.

4.7 The Nature of relief sought by the complainant are,

1. To refund the excess charged amount over and above approved by H'ble commission.
2. Re-verification of security Deposit with respect to SD Regulation by Commission
3. To refund excess charged amount with interest at rate applicable to DPC from date of payment till date of refund.



5.0 The respondent contended that

5.1 The complainant has demanded new connection of 6.5 KW under NRGp, at B/H Galaxy petrol pump village Sojitra and FQ issued on 7.9.2016 & the connection of 6.5 KW was released with consumer No. 04701 /06225/1.

5.2 The charges recovered for 6.5 KW new connection was recovered based on actual cost or "KW based" fixed charges whichever is higher with ceiling of Rs.1 lac.

5.3 The estimate approved as per C type with augmentation of transformer from 10 KVA TO 25 KVA with 0.065 Km LT ABC:

Particulars	Qty	Rate	Total
Service connection charge	1	6870	6870
Transformer augmentation charge	1	39198	39198
Lt line 3ph 4 wire	0.065	315415	20502
Total			66570

5.4 The Estimate issued to the complainant was as under:

Item	Qty	Total
Fixed charges	1	12000
Adjustment of fixed charge	1	54570
Agreement Charges	1	100
Security Deposit	1	4520
Total		71190

Total Estimate issued of amount Rs.71190/- on date 7-9-2016 in line with circular MGVCL/Tech/2206 Date: 02.08.2016.

5.5 The complainant had applied for load addition on 08 September 2023 from 6.5 Kw to 38 Kw and FQ Issued of 13-09-2023 of fix charge and security deposit and agreement charge as under.



Item	Qty	Total
Fixed charges	1	28800
Agreement charges	1	300
Security deposit	1	136298
Total		165398

5.6 At the time of additional load, Estimate with fixed charge issued based on letter No. MGVCL/T&O/ OS Gamtal/2391 Dtd 02.08.2022.

5.7 Security deposit for 38 KW load was Rs. 140818/- & Paid security deposit for 6.5 KW was Rs. 4520/- & Difference of the Security deposit Rs. 140818-

4520 = Rs. 136298 was charged from the respondent at the time of additional load.

6.0 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:

6.1 The Estimate issued for Transformer augmentation charges from 10KVA to 25 KVA for outside gamtal connection at the relevant time was in order as per H'ble GERC letter No. 1378 dtd 24.01.2024, wherein DISCOMs were allowed to recover actual cost as per latest cost data subject to maximum amount of Rs. 1 lakh for release of lighting connection in Ag land from Agdom feeder with ceiling of 3KW. Here in this cases actual cost or "KW Based" Fixed Charges, whichever is higher, were recovered as power supply was given from Continuous Power supply feeder without load restriction of 3 KW.

6.2 Estimate issued on 07.09.2016 for 6.5 KW new connection for actual cost of LT Line & Transformer augmentation is in line with the H'ble GERC letter No. 1378 dtd 24.01.2024.

6.3 Respondent was instructed to re-verify security deposit and provide the detailed calculation to the complainant.

6.4 Respondent had re-verified the security deposit for 38 KW NRGp connection and accordingly Security deposit for 38 KW is Rs. 137645/- & hence excess security deposit Rs. 3173/- charged from the respondent is liable to refund. Respondent has provided detailed calculation of security deposit to Complainant by email dated 30.03.2024. According to detailed calculation it has observed that Rs. 3173/- Excess security was recovered.

6.5 Interest on security deposit is being paid as per Clause 4.11 of GERC Security Deposit Regulation, (Third Amendment) Regulations, 2023, which is as under,

"The licensee shall pay interest on Security Deposit of consumer other than Security Deposit received from Temporary Consumer for the electricity supplied, at the Bank Rate (as on 1st April of every year) notified by Reserve Bank of India or such higher rate as may be fixed by the Commission from time to time. The interest accrued to the credit of the consumer during the



previous year shall be adjusted in electricity bills of May of every year for consumers covered under the monthly billing cycle and in electricity bill of May or June for those covered under bimonthly billing cycles."

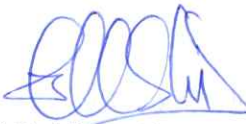
ORDER

7.0 The Forum has come to the conclusion that,

7.1 The estimate issued to complainant Mitaben Vikrambhai Patel, Behind Galaxy Petrol Pump Village : Sojitra, Tal: Sojitra, Dist: Anand for Transformer augmentation charges from 10KVA to 25 KVA for outside gamtal connection at the relevant time is in order as per H'ble GERC letter No. 1378 dtd 24.01.2024, wherein DISCOMs were allowed to recover actual cost as per latest cost data subject to maximum amount of Rs. 1 lakh. No excess charge is recovered.

7.2 The security deposit for 38 KW NRGp connection re- verified and accordingly Security deposit for 38 KW is Rs. 137645/- & hence excess security deposit Rs. 3173/- is to be refunded.

7.3 Interest on security deposit is being paid every year as per GERC Security Deposit Regulation, 2005 & hence no additional interest to be paid on refund of security deposit Rs. 3173/-


(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

