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-27-2023-24
Complainant	Shri Virendrasinh V Parmar, Plot No.1135, Shikotarmata Road, Village: Vadgam, Tal: Khambhat, Dist: Anand (Correspondence Address : 16, Geetabaug Society, OPP: Suvidha Shopping Center, Paldi, Ahmedabad 380007).
Respondent	Shri D N Upadhyay, Dy Engineer Petlad, Division office MGVCL & Shri H P Balva, Jr Engineer, Khambhat R Sdn MGVCL
Date of hearing	24.01.2024

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri K B Dhebar, (RA&C) MGVCL Vadodara

The complaint dated 14.12.23 (recd on 29.12.23) regarding suomotu estimate issued for LT to HT, consumer No.09570/00674/9, Virendrasinh V Parmar amounting to Rs.16,49,529/-

1.0 On 24.01.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Virendrasinh V Parmar, appeared himself whereas Shri D N Upadhyay, Dy Engineer & Shri H P Bavla, Jr Engineer, 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 a LTMD connection of 100 KW contract demand for their unit located at Plot No.1135, Shikotarmata Road, Village: Vadgam, Tal: Khambhat, Dist: Anand, consumer No. 09570/00674/9.

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2.2 The complainant had crossed their actual demand more than four times during FY 2022 - 23 is as under:

Sr. No.	Billing Month	Notice issued by S/Dn. & Dn.	Actual Demand (KW)	% Excess Drawl
1	Apr-22	CMB/2104 DT :30.04.22	160.58	66.54%
2	MAY-22	CMB/2657 DT :20.05.22.	165.3	70.41 %
3	JUN-22	CMB/3344 DT :18.06.22	163.48	68.53 %
4	JULY-22	CMB/4038 DT :25.07.22	162.8	67.83 %
5	Final notice given by Petlad D/O PTD/7418 DT 24.08.22.		Avg. load 163.04 KW say 185 KVA	

2.3 As per circular No.75, Cambay (Rural) Sdn MGVCL, had issued a notice every month whenever said consumer drawl excess than its contract demand, but consumer had not applied for additional load for said connection and hence Cambay (Rural) Sdn MGVCL had sent a proposal to division office on 28.07.2022 under suomotu procedure for enhancement of contract demand.

2.4 Petlad Division office MGVCL has carried out survey and sent the proposal on 23.10.2023 to Anand Circle, MGVCL, & issued an estimate on 08.11.2023 but complainant has not paid the estimate and registered his grievance with CGRF, MGVCL, Vadodara for cancellation of Lt to HT estimate.

3.0 The representative of the complainant contended that -

3.1 Since last ten years, complainant is having load of 100 KW for Zinga farm at Survey No.1135, bearing consumer No. 09570/00674/9.

3.2 Complainant has mentioned that they are having load of 400 KW HT connection at Survey No.1139 - 1140 on the name of Shimpure Aqua which is nearby to Survey No.1135 of existing LT connection under question.

3.3 Complainant is using both of above connections for Zinga farm but since last two years, due to diseases in Zinga, they were not in a position to have good crop of Zinga & had made loss of finance and are unable to pay the estimate.

3.4Complainant had also admitted that they have removed the excess load and after that since Sept'22 their load is well within contact load.

3.5 Complainant have requested MGVCL to cancel suomotu estimate and they agreed to pay difference of minimum charges of two years and ensure that they will not use excess load beyond their contact load in future.

4.0 The respondent contended that -

4.1 The complainant had drawn excess demand four times and more than 5% for the period from April 2022 to July 2022.

4.2 Hence, as per MGVCL circular No.75 and Clause of No.4.95 of GERC Supply Code 2015, initiated suomotu procedure for increase in contract demand from 100 KW to 185 KVA.

4.3 From Sept'22 2022 onwards complainant had not drawn excess load. The Month wise actual demand recorded for the consumer is as under.

Sr. No.	Billing Month	Contract Demand in (KW)	Actual Demand
1.	Apr-22	100	160.58
2.	MAY-22	100	165.30
3.	JUN-22	100	163.48
4.	JULY-22	100	162.80
5.	AUG-22	100	151.10
6.	SEP-22	100	31.4
7.	OCT-22	100	31.4
8.	NOV-22	100	81.8
9.	DEC-22	100	1.2
10.	JAN-23	100	1.1
11.	FEB-23	100	1.5
12.	MAR-23	100	11.2
13.	APR-23	100	1.9
14.	MAY-23	100	34.7
15.	JUN-23	100	31.2
16.	JUL-23	100	49.9
17.	AUG-23	100	52.8
18.	SEP-23	100	37.4
19.	OCT-23	100	39.5
20.	NOV-23	100	45.4
21.	DEC-23	100	47.1
22.	JAN-24	100	47.14

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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 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 185 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'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 185 KVA as proposed by the Respondent.

b. During the hearing, as per Para No.3.5, 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 185 KVA as per the Suomotu estimate issued by the Respondent under the HT Tariff.

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 -

(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

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.

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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 185 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 Shri Virendrasinh V Parmar, Application for Plot No.1135, Shikotarmata Road, Village: Vadgam, Tal: Khambhat, Dist: Anand.

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 185 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.

6.3 Suomotu estimate issued by respondent MGVCL for enhancement of contract demand from 100 KW to 185 KVA HT shall be considered as deemed cancelled after receipt of payment of Minimum Charges for two years.

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(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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