

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**

Complaint No.	MG-IV-42-2024-25
Complainant	M/s. Sai Quarry Works, C/o. S R Pathan, Devghoda Temple Road, Sevaliya Tal: Galteshwar, Dist: Kheda
Respondent	Shri S.C. Taviyad, Executive Engineer, Nadiad Rural Division, MGVCL
Date of hearing	24.02.2025 at Corporate Office, MGVCL Vadodara

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

The complaint dated 31.01.2025 regarding suomotu estimate for LT to HT and PDC of connection.

1.0 On 24.02.2025, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri S.R. Pathan, appeared on behalf of complainant whereas Shri S.C. Taviyad, Executive Engineer, Nadiad Rural Division 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 LTMD connection bearing consumer No. 52001/04329/5 of M/s Sai Quarry Works located at Sevaliya under MGVCL, Galteshwar S/dn was released on 23.05.2019 and is having Contract Demand of 99 KW.

2.2 During the financial year 2023-24, on four (4) occasions, the Actual Demand exceeded the Contract Demand by more than five percentage (5%).

2.3 As per Clause No 4.95 of GERC Supply Code-2015, notice was issued by MGVCL for load regularization. However, since consumer did not come forward for load regularization, MGVCL initiated suomotu Procedure of



M/s. Sai Quarry Works for load extension from 99 KW LTMD connection to 140 KVA HT connection. Estimate of Rs 12,29,642.00 for the load extension was given to applicant on 4.07.2024.

2.4 Since the estimate was not paid within due date, the amount was debited to the consumer's account on dated 07.08.2024. Due to pending arrears of Rs 13,79,459.18 including Rs.1,35,605.98 towards old dues, the said connection was made TDC on 18.08.2024. In view of the arrears and applicant's request dated 29.10.2024, the said connection was PDC on 24.12.2024.

2.5 M/s. Sai Quarry through letter dated 31.01.2025 has raised grievance before CGRF, Vadodara and requested for cancelation of suomotu estimate issued by MGVCL for LT to HT conversion and also for Permanent Disconnection of power supply.

3.0 The representative of the complainant contended that -

3.1 The consumption of the quarry has been meagre since last one year and remained 'NIL' during the last six months. Due to the negligible consumption, we had denied to be considered for HT connection.

3.2 Deputy Engineer, Galteshwar S/Dn MGVCL has Suo Motu processed our connection as HT category and issued estimate of Rs. 12,29,642/- towards load extension. Due to non payment, the estimate amount is added to the LTMD Bill which has remained unpaid.

3.3 We are not in need of the electricity connection. The estimate amount may be removed from the energy bill, the connection may be cancelled.



4.0 The Respondent contended that -

4.1 In the FY 2023-24, Contract Demand exceeded four (4) times more than five percentage (5%) as under:

Sr No	Billing Period	Actual Demand Recorded (KW)	Contract Demand (KW)	% Excess Demand (KVA)
1	Jul-23	111.82	99	124.24
2	Aug-23	119.20	99	132.44
3	Sept-23	122.66	99	136.28
4	Oct-23	126.70	99	140.77
Average		133.43	99	133.43 Say 140 KVA

4.2 Notice for load regularization due to excess contract demand issued vide letters dated 24.07.2023, 23.08.2023, 30.09.2023 and 03.11.2023. Final notice issued by Division office through letter dated 18.05.2024.

4.3 Suomotu Procedure is initiated as per Clause 4.95 of GERC Supply Code-2015 for conversion of 99 KW LTMD connection in favour of Ms Sai Quarry Works to HT consumer with Contract Demand of 140 KVA.

4.4 Consumer has not paid the estimate of Rs 12,29,642.00 by last date of payment i.e. 02.08.2024, so the estimate amount is debited to the consumer's account on dated 07.08.2024.

4.5 Subsequently, as per the applicant's request letter dated 29.10.2024 and in view of the outstanding amount, the connection has been Permanently Disconnected on 24.12.2024.

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 The Clause 4.95 of GERC Supply Code-2015 reads as under:

"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 contract demand on receipt of such charges and all provisions of agreement shall be applicable to such consumers for revised contract demand."

- 5.2 As per records submitted by the Respondent, the actual demand recorded in respect of M/s Sai Quarry Works has exceeded the Contract Demand of 99 KW more than 5% more than 4 times between July & October 2023.
- 5.3 MGVL has initiated suo motu proceedings as per provisions of GERC Supply Code-2015 for load extension from 99 KW LTMD to 140 KVA HT connection and issued estimate of Rs 12,29,642.00 for the load extension on 4.07.2024 which was not paid. Hence the amount was debited to the consumer's account on 7.08.2024.
- 5.4 Due to outstanding amount Rs 13,79,459.18 including Rs.1,35,605.98 towards old dues, pending against M/s Sai Quarry Works and based on application by the consumer, MGVL has Permanently Disconnected the electricity connection.
- 5.5 The complainant has prayed that the Suo Motu estimate may be removed and the electricity connection to be permanently disconnected.
- 5.6 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.

- 5.7 Since the complainant has requested to permanently discontinue the power supply, the two year minimum charges of the contracted demand worked out under Suomotu proceeding by the Respondent needs to be recovered from the complainant.

ORDER

6.0 The Forum has come to the conclusion that

- 6.1 The suomotu proceeding initiated by the Respondent for load extension of M/s Sai Quarry Works from 99 KW LTMD to 140 KVA HT connection, as per provisions of GERC Supply Code-2015 is in order.
- 6.2 The two year agreement period of the 99 KW LTMD connection is completed while the HT connection of 140 KVA is not physically released.
- 6.3 In view of the above and considering the complainant's representation to permanently discontinue the power supply the Respondent shall recover the difference towards minimum charges of two years between the suomotu Contracted load of 140 KVA and the LTMD Demand of 99 KW and cancel the estimate issued towards suomotu conversion from LT to HT.
- 6.4 Since the connection is already made PDC by respondent, the difference towards minimum charges of two years between the suomotu Contracted load of 140 KVA and the LTMD Demand of 99 KW shall be adjusted against the Security Deposit and respondent shall take necessary actions for recovery of other outstanding dues.


(P C Patel)
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, 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

