

**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-116-2014.15
Complainant	M/s. Shivshakti Enterprise, GIDC Kalol, Tal: Kalol, Dist : Panchmahal
Respondent	Shri S M Patel, Deputy Engineer Kalol s/dn of MGVCL
Date of hearing	27.02.15 & 13.03.15 both at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri A G Shah, MGVCL

The complaint dated 17.02.2015 regarding reduction of load from 62 KW o 11 KW and billing thereof.

On 27.02.15 & 13.03.15 both at Vadodara, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Satishbhai P Shah appeared on behalf of M/s. Shivshakti Enterprise, whereas Shri S M Patel, Deputy Engineer Kalol s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. The complainant M/s. Shivshakti Enterprise, bearing consumer No.07501/18169/1 located at GIDC Kalol, Tal: Kalol, Dist : Panchmahal having contracted load of 62 KW billed under LTMD tariff
2. The complainant had registered his application for reduction of load from 62 KW to 11 KW on dated 07.08.2013 by paying registration charge of Rs.400/- vide MR No.57647. Since 2011, their unit was sick and closed.
3. MGVCL has given load reduction w.e.f. 14.05.2014.
4. The complainant has requested to refund Rs. 41756/- paid after deducting minimum charges during delay period i.e. after load reduction application.

The representative of the complainant contended that due to his sick unit, they have closed unit since year 2011. They have applied for reduction of load on 07.08.2013 from 62 Kw to 12 Kw. MGVCL has delayed to grant their load reduction demand and continued to bill as per original load demand i.e. 62 Kw till 14.05.2014. Physically they had reduced load in year 2013. Also MGVCL had not informed/given notice to submit test report but while personnel inquiry at MGVCL office they had asked to submit test report which was submitted on 14.05.2014. They were not aware of submission of test report. They could have submitted test report if demanded at the time of load reduction

application. Hence requested the forum to order to refund excess amount recovered for which they have not connected or utilized load.

The respondent contended that the said reduction of load in respect of M/s. Shivshakti Enterprise, GIDC Kalol, Tal: Kalol, Dist : Panchmahal, was applied on 07.08.2013 and approved by Division office Halol vide letter No.8630 dated 27.11.2013 with clear directives to give effect of load reduction from the date of test report registration. The complainant had submitted test report late i.e. on 14.05.2014. Accordingly, the meter of appropriate load capacity was replaced on 22.05.2014 and effect was given from 14.05.2014. He has also represented that party has never contacted the responsible person for any guidelines. TMN for submission of Test Report not issued. Physical disconnection of the unit was carried out on 09.10.2014 for non-payment of dues. The party had paid arrears on 16.10.2014 and the connection was reconnected. The bills issued upto 14.05.2014 (i.e. till submission of Test Report) is as per rules.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that complainant has applied for load reduction on 07.08.2013. A certificate of connected load of 15 HP dtd. 30.10.2013 was given. Technical sanction was given on 27.11.2013. MGVCL has not taken any action to give effect of load reduction including notice for any missing documents submission and continued to issue bills as per previous load. Upon verbal conversation among MGVCL officers and the complainant, the complainant had submitted Test Report dtd. 27.03.2014 on dtd. 14.05.2014. MGVCL has considered effective date of load reduction from the date of submission of TR i.e. 14.05.2014. As per GERC supply code Clause 5.9.2, the consumer has to submit test report of the installation alteration in accordance with Clause 5.4. According to that the distribution license has to issue a notice to the consumer in writing stating the reasons for their no actions to consider load reduction. In instant case, notice not issued and not informed the consumer timely.

The forum is of the opinion that effective date of load reduction should be considered from the date of technical sanction i.e. 27.11.2013 considering a certificate of 15 HP connected load dtd. 30.10.2013. (load reduction application dtd. 07.08.2013). There is very limited consumption of power thereafter. As per Supply Code, a notice is required to be issued for submission of test report and the applicant has to submit test report to fulfill his alteration demand of power supply load. The test report is a proof of connected load and quality of electrical wiring. In instant case, MGVCL failed to issue notice as per Supply Code Clause 5.4.10. Also the complainant has not used load beyond its revised demand so considering natural justice in this particular case, effective date should be considered as the date of technical sanction. There is no other proof to fix up other then this date.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to consider effective date of load reduction as 27/11/2013 the technical sanction date and adjust the amount paid accordingly in the account of M/s. Shivshakti Enterprise, GIDC Kalol, Tal: Kalol, Dist : Panchmahal.

(A G Shah)

(Harsha S Chauhan)

(P J Patel)

Technical Member

Independent Member

Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach 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.2.63 Chapter-2 of GERC Notification No.2 of 2011.

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

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>