

**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-I- 03-2016-17
Complainant	Shri Vijaykumar S Nilak, 107, Saikrupa Society, Harni Road, Vadodara
Respondent	Shri D.A. Oza, Dy.Engr. MGVCL, Karelibaug Sub- division.
Date of hearing	12.04.2016 at Anand Circle office

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay ACE (RA&C) MGVCL Vadodara

The complaint dated 04.04.2016 regarding refund against commercial tariff charge.

On 12.04.2016, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Vijaykumar S. Nilak, appeared on behalf of complainant whereas Shri D.A. Oza, Dy.Engr. Karelibaug, appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under.

The case was heard by the CRC MGVCL Vadodara(O&M) City Circle. The consumer aggrieved with the order of the CRC and complaint to CGRF. MGVCL has granted residential tariff from July 2015, but his demand from Oct-2008 is not granted so requested the Forum to refund in the difference of commercial tariff and residential tariff.

The representative of the complainant contended that he is using power for residential purpose only. He has never done any commercial activities in the house. However, MGVCL has converted his residential connection from residential to commercial tariff in Oct-2007. He was not aware of change of tariff so he paid all regular bills. He came to know the commercial tariff being charged by MGVCL though there is no commercial activity in his House. Therefore, he applied for change of tariff on 23/07/2015 with the demand to refund the old bills which are charged on commercial tariff since Year 2008.

The Respondent contended that the connections bearing consumer No.16310/00155/8 of 1.5 KW released in 1980. While installation checking in the year 2007, it was noticed commercial activity i.e. Dance classes so from Oct-2007 commercial tariff was being charged. The consumer had applied for

change to residential tariff on 23/07/2015. Accordingly MGVCL has verified and granted from the date of his application. The consumer has never demanded for change from commercial tariff to residential tariff from the year 2008 to July 2015. If the consumer had applied at that time MGVCL would have checked the installation and acted accordingly, but at this stage it is not possible for old events verifications, hence the demand of the complainant cannot be granted.

The demand of the complainant for refund of differential tariff is from year 2008 till 23/07/2015. The complainant has accepted and paid the charges as per the commercial tariff. The Forum cannot hear the old cases of more than 2 years as per Clause No.2.30 A(iii) of GERC notification. Therefore, this case is not in the purview of CGRF.

ORDER

The Forum directs Shri Vijaykumar S Nilak that the complaint for refund more than 2 years old hence, the CGRF cannot hear the case as per Clause No.2.30 A(iii) of GERC notification.

(B J Upadhyay)
Technical Member

(Harsha S Chauhan)
Independent Member

(P J Patel)
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>