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-117-2011.12
Complainant	Shyam Moorjani C A at 201, Mandar Square, Near Gas Office, Dandia Bazar, Vadodara.
Respondent	Shri S I Shaikh, Junior Engineer MGVCL.
Date of hearing	24.02.2012

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Shri M J Vaidya, Vadodara
Technical Member	Shri Y B Sukhadia, MGVCL

The e-mail complaint dated 18.2.12 is for not reducing the electric load.

Today on 24.02.2012, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Shyam Moorjani C A, appeared himself whereas Shri S I Shaikh, Junior Engineer, appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. The complainant has consumer No.16142 / 00617 / 9 (Commercial Connection Meter from January 2011).
2. As per the new tariff policy vide circular dated 01.09.2011, MGVCL has started to charge Rs.140/ per KW amounting to Rs.980/ for 3 phase connection with 6.5 KW load.
3. The maximum consumption of his office is found 57 units only (during last July 2011).
4. While checking A1 form, there is no list of appliances and its load.
5. As per A1 form agreement, it is for two years. In case of disconnection, consumer has to pay minimum charges applicable for the rest period of the contract.

The complainant Shri Shyam Moorjani, C A contended that there is a wide gap between the actual consumption energy charges and Rs.140/ KW as per GERC tariff order w.e.f. 1.9.2011. They do not consume much energy as seen from the records. It is a very excessive burden on them to pay energy charges which is not consumed by them. If there is a drastic change in tariff policy, opportunity should be given to the consumer to opt for the suitable change. The complainant has requested to allow reduction of load during the agreement period for the reason of change in policy during the minimum agreement period.

The Respondent Shri S I Shaikh, J E of MGVCL contended that they have charged the energy bill as per company's latest tariff policy circular dated 1.9.2011.

As per GERC Notification No.11, Chapter 4.3

4.3 Agreement

4.3.1 An applicant shall enter into an Agreement either separately or in application itself with the Distribution Licensee before commencement of work accepting the terms relating to tariff and other conditions of Supply Code. The period of validity of Agreement shall be included in the agreement. The agreement may have the provision either for its automatic extension at the discretion of consumer or for a fresh agreement on its expiry.

4.3.3 If any Consumer terminates his Agreement within the period of the Agreement (or where no formal Agreement is tendered, if the Supply is not utilised for the stipulated period which would have been applicable if an Agreement has been tendered), he shall be liable to pay the minimum charges for each month short of the period specified in the Agreement or the stipulated period in absence of any formal Agreement.

This is given in A1 Form as following:

I / we hereby declare that / we desire to have and agree with Distribution Licensee to take supply of energy for the above mentioned purpose for period of not less than two year from the date of commencement of the electrical energy and to be bound by the Distribution Licensee's appropriate tariffs, and charges and condition of supply applicable to me / us as in force from time to time.

The Forum Members present at the hearing considered contention of both the parties and perused the records. While referring the GERC Notification No. 11, Chapter 4.3, there is no mention about the privilege of consumer to reduce or increase the Contract Demand during two years' agreement period. The contention of the GERC directives and also A1 form for agreement is for electric supply of two years' period.

In view of the above discussion, the Forum is of the opinion that the agreement is made for two years for the contract demand and if the complainant is not able to consume, he has to pay Rs.140/ per KW for contracted load as per revised tariff circular w.e.f. 01.09.2011.

O R D E R

The energy bill issued by MGVCL is found as per circular for revised tariff effective from 01.09.2011 for agreement period and is in line with GERC directives.

(Y B Sukhadia)	(M J Vaidya)	(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 Chapter-5, Clause No.13 of GERC Notification No.4 of 2005.*

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