

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 2ND FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No.MG-III-85-2011.12
Complainant	Fivestar Cement Company at At : Vanakpur (Popatpura), Tal: Godhra, Dist: Panchmahals
Respondent	Shri K R Desai D E Godhra of MGVCCL
Date of hearing	25.11.11

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

The complaint dated 14.11.11 is for Refund of minimum charges collected after notice period, consumer No.41071.

Today on 25.11.11, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri M Y Tasia, partner, appeared on behalf of M/s. Fivestar Cement Company, whereas Shri K R Desai D E Godhra of MGVCCL appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. The complainant had given application dated 29.6.2009 for PDC of their HT connection No.41071 of M/s. Fivestar Cement Company under Godhra division.
2. MGVCCL office of Godhra has issued notice for termination of agreement dated 8.7.2009 for PDC w.e.f. 31.8.2009 as per cl No.10(A) of agreement.
3. Meanwhile, the complainant had applied vide his letter dated 20.8.2009 not to disconnect the supply but to shift the HT connection at other location. Accordingly, Circle office of Godhra had granted the request and cancelled the PDC subject to payment of charges till shifting of HT connection. This was informed to the complainant on 2.9.2009.
4. The corporate office had not granted the application of shifting of HT connection vide letter No.CE:MGVCCL:HT:576 dated 4.3.2010.
5. As a result, Godhra Circle office had issued notice for PDC w.e.f 1.6.2010 vide their letter dated 6.4.2010.

6. Godhra circle office further conveyed to the complainant that minimum charges paid for the period from 1.9.09 to 31.5.2010 cannot be refunded.

The representative of the complainant contended that they are using HT connection of 200 KVA power supply which was not used since July 2008. They had applied for PDC to Godhra circle office on 26.3.2009. They had paid minimum bill upto June 2009 as per agreement. Their Security Deposit is still with MGVCL. They had applied for cancellation of PDC of their HT connection on 20.8.2009 and desire shifting of HT connection at their other premises. Godhra circle office had agreed to their request on 2.9.2009. As Corporate Office has not approved shifting of connection only on 4.3.2010, they are not responsible for these controversial decisions. Hence, the money paid by us for the period from 1.9.2009 to 31.5.2010 i.e. Rs.1,56,000/ should be refunded to us.

The Respondent Shri K R Desai D E of MGVCL contended that as per the directives of Godhra Circle office, the minimum charges for the period from 1.9.09 to 31.5.2010 cannot be refunded as PDC was applicable from 1.6.2010.

The Forum Members present at the hearing considered contention of both the parties and perused the records.

1. The complainant had given application dated 29.6.2009 for PDC of their HT connection No.41071 of M/s. Fivestar Cement Company under Godhra division.
2. MGVCL office of Godhra has issued notice for termination of agreement dated 8.7.2009 for PDC w.e.f. 31.8.2009 as per cl No.10(A) of agreement.
3. Meanwhile, the complainant had applied vide his letter dated 20.8.2009 not to disconnect the supply but to shift the HT connection at other location. Accordingly, Circle office of Godhra had granted the request and cancelled the PDC notice subject to payment of charges till shifting of HT connection. This was informed to the complainant on 2.9.2009.
4. The corporate office had not approved the application of shifting of HT connection vide letter dated 4.3.2010.
5. As a result, Godhra Circle office had issued notice for PDC w.e.f. 1.6.2010 vide their letter dated 6.4.2010.
6. Godhra circle office further conveyed to the complainant that minimum charges paid for the period from 1.9.09 to 31.5.2010 cannot be refunded.

In view of the above discussion, the Forum is of the opinion that the complainant had originally asked for PDC w.e.f. 31.8.2009. If the complainant had asked for shifting of HT connection vide their letter dated 20.8.2009 he should have been immediately informed about the MGVCL's policy whether to give shifting connection or not? This has come to the knowledge of the complainant only vide letter dated 4.3.2010 of corporate office, which is very late for their decision making process. Hence, his original application for PDC HT connection holds good.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to refund the minimum charges paid by the complainant for the period from 1.9.09 to 31.5.10

(Y B Sukhadia)
Technical Member

(M J Vaidya)
Independent Member

(P J Patel)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach the Ombudsman, Gujarat Electricity Regulatory Commission, 1st floor, Neptune Tower, OPP: Nehru Bridge, Ashram Road, Ahmedabad 380 009 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>