

**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-III-64-2012.13
Complainant	Shri Ashokkumar Hargovindbhai Shah of Paras Traders, C/o Bhavani Rice & Pulse Mill, OPP: Bus Depot, Kheda.
Respondent	Shri J S Thakkar, Deputy Engineer, Kheda S/dn of MGVCL.
Date of hearing	19.10.2012 at Anand

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

The complaint dated 1.10.12 regarding audit recovery.

Today on 19.10.2012, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Ashokkumar Hargovindbhai Shah, appeared on behalf of M/s. Paras Traders, C/o Bhavani Rice & Pulse Mill, OPP: Bus Depot, Kheda, whereas Shri J S Thakkar, Deputy Engineer, Kheda S/dn 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.01559 / 01062 /2.
2. The complainant is a seasonal consumer and their seasonal period is July to September every year.
3. Usually, the readings were taken between 30th and 15th day of every month. As per seasonal tariff, MGVCL had to take reading on 30.06.09.
4. Special Audit team from Corporate Office of MGVCL office in absence of the meter reading at the end of June 2009 believed that the mill was running during seasonal period and asked for recovery of Rs.18000/. MGVCL has also added charges for delayed period and asked for total Rs.18944.75 as recovery on the basis of withdrawing the benefit of seasonal tariff.

The complainant contended that it was a negligence and mistake of MGVCL by not taking meter reading on 30.06.2009 and hence audit had shown 820 units chargeable considering seasonal benefit not being eligible. As a consequence, they

have asked for recovery of Rs.18944.75 for which the consumer should not be penalized and the balanced view should be adopted in this case.

The Respondent contended that it was a mistake on the part of MGVCL by not taking meter reading on 30.6.2009 which has reflected in reading of July 2009 but it is actually consumption of June 2009.

The Forum Members present at the hearing considered contention of both the parties and perused the records and could not find any link to establish their actual consumption during the seasonal period of July to Sept 2009. The concerned Deputy Engineer has given written statement that meter reading on 30.06.2009 was missed which has resulted in withdrawal of seasonal consumer benefit and the recovery of Rs.18944.75 including Delayed Payment Charges (DPC) as proposed by Audit Team. It was also noticed that all bills during the year were stamped as "S" which is a symbol of seasonal consumer. The concerned Deputy Supdt Accounts could not give explanation of "S" stamping on all energy bills of the year. It is also noted that when Audit Team had raised the said recovery, the concerned should have explained to the audit team that it is a mistake of meter reader.

In view of the above discussion, the Forum is of the opinion that in this case, recovery of Rs.18944.75 Plus DPC is not justifiable when reading was not taken by MGVCL on the last day of June 2009 which is very crucial for raising bill amount for seasonal consumer. The consumer should not be penalized especially when reading is not taken in time and recovery made based on assumption of energy consumption in seasonal period.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited not to recover Rs.18944.75 from the complainant Shri Ashokkumar Hargovindbhai Shah of Paras Traders, C/o Bhavani Rice & Pulse Mill, OPP: Bus Depot, Kheda,

(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 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>