

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2011 of GERC (CGRF & Ombudsman)

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-04-2019-20
Complainant	Shri Sandip Jayani of M/s. Gujarat Finolink Synthetics P Ltd., OPP: GSFC Main Gate, Sokhda Road, Fertilizernagar, Vadodara 391750
Respondent	Shri Sunil Ghataliya, DE Chhani s/dn of MGVCL
Date of hearing	30.05.2019 at Corporate Office Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Smt S H Parekh, (RA&C) MGVCL Vadodara

The complaint dated 17.05.2019 regarding revision / waiver of average bill & Delayed Payment Charges due to faulty meter.

1.0 On 30.05.2019, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Sandip Jayani of M/s. Gujarat Finolink Synthetics P Ltd., OPP: GSFC Main Gate, Sokhda Road, Fertilizernagar, Vadodara appeared on behalf of complainant whereas Shri Sunil Ghataliya, DE Chhani s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 M/s. Gujarat Finolink Synthetics P Ltd. Is having 70 KW, LTMD connection bearing consumer No.02101/14744/0 at OPP: GSFC Main Gate, Sokhda Road, Fertilizernagar, Vadodara.

2.2 The said consumer being LTMD connection, is billed under monthly billing cycle. Accordingly, reading was taken on 20.9.18. The "present reading" on the bill is mentioned as "137069.62 KWH".

Reading of previous month was taken on 16.08.18 of "125053 Kwh". Thus, "Last reading" considered was "125053 Kwh" for bill calculation of dtd 20.09.18. Accordingly, 12016 units were served to the consumer on dated 20.9.18 amounting to Rs. 91070.83.

2.3 On 21.09.18, consumer lodged the complaint at Chhani s/dn that energy meter installed at above mentioned premises is not showing display.



2.4 Corporate checking drive was arranged on 29.9.18 as per routine practice at Chhani s/dn. It was noticed during checking drive that the said meter was found under "NO DISPLAY".

2.5 Next monthly reading was carried out dtd 17.10.18 where meter status was "Faulty" and accordingly average bill was served to the consumer as per norms of "14370 Kwh".

2.6 The said faulty meter was replaced on 22.10.18 i.e. after lapse of 32 days.

2.7 There after meter reading was taken dtd 20.11.2018, and consumer was again served "average bill" of "14370" units.

2.8 Aggrieved by average bill issued dtd 20.11.2018 even after meter replaced dtd 22.10.2018, the consumer approached Deputy Engineer of Chhani s/dn and as per his representation bill dtd 20.11.2018 was revised considering consumption of new meter installed on 22.10.18.

2.9 Thereafter, the consumer further raised his grievance for the average bill served dtd 17.10.2018 of "14370" units with an argument that he had given the complaint dtd 21.09.2018 for "No Display" and as per Consumer Charter the meter has to be replaced within 7 days, which was not done and he was served the average bill for entire month.

The consumer approached Complaint Redressal Committee (C R C) at Baroda (O&M) Circle Gotri. CRC had asked for producing documents related to consumption of said unit to have judgment for revising the bill. Consumer denied for the same. Order dated 30.09.18 was passed by CRC that average bill issued by Chhani s/dn of "14370" units is in order and also consumer is liable for payment of applicable DPC.

2.10 Aggrieved by order of CRC, party has approached CGRF and raised his grievance.

3.0 The complainant contended that -

3.1 Consumer had complained that he had approached s/dn on dated 21.09.18 regarding complaint for NO DISPLAY of his energy meter. Even though, after lapse of 32 days meter was replaced. Consumer had claimed that he is not liable to pay average bill and as per consumer charter "F" meter should be replaced within 7 days. He also conveyed that he is not liable to make payment of DPC.

3.2 After lodging the complaint on 21.9.18, he once again contacted Deputy Engineer & Sr Assistant of Chhani s/dn in person and at that time, they conveyed that average bill will be issued considering new meters consumption of next 3 billing cycle. However, they have issued average bill considering past 3 billing average of old meter which is not proper.

3.3 In order of CRC dated 30.03.19 carried out at circle office they have not considered his grievance regarding average bill as well as waiver of DPC



3.4 He also represented that his factory is not continuous process industry and only on receipt of orders he is utilizing the power hence he cannot produce any documentary evidence to ascertain the regular consumption.

3.5 Monthly consumption recorded after replacement of meter is between 6000 units to 9000 units as there were less orders during Oct 18 to Jan 19 and hence average should be considered as per consumption recorded in new meter.

3.6 Considering above points, he approached CGRF for natural justice.

4.0 The respondent contended that

4.1 Bill of Sept 18 was issued as per reading on 20.9.18.

4.2 Consumer lodged complaint on 21.09.18 at complaint centre vide complain No.6 regarding display not working.

4.3 Bill of Oct 18 was issued of units 14370 considering average of past 3 billing cycle as meter found faulty.

4.4 Meter was replaced on 22.10.18

4.5 Meter was tested on 23.10.18 in presence of consumer but no data retrieved at laboratory and sent to meter manufacturing company.

4.6 As per report dated 14.12.18 of meter manufacturing company, last reading recorded is 137069.62 KWH. No other data can be gathered.

4.7 As per application of consumer bill of Nov 18 was revised to 9736 units considering faulty average units of 2874 for 6 days (i.e. from 17.10.18 to 22.10.18) and actual consumption recorded of units 6862 in new meter.

4.8 As per meter manufacturing company report, no data retrieved for the disputed period. As per the norms, average bill of 14370 units was issued as per past 3 billing cycle average consumption.

4.9 CRC has also given order that average bill issued by s/dn for 14370 units is in order and is liable for payment with applicable DPC.

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

5.1 Forum Members had tried to get the details from the complainant regarding type of industry they are having, consumption pattern from monthly orders/ productions details etc. for considering his request. But same could not be made available from the complainant.

5.2 Forum members have also seek reasons behind delay in replacing the meter.



5.3 It was directed by Forum members that the meter installed is of 40-200 Amp of HPL make and online data may be obtained if available at MDAS (Meter Data Acquisition System).

5.4 It is retrieved from MDAS that the said meter bearing Sr. No. MWCT 01514 is faulty since 3:02:46 AM on date 11.9.18 with reading 137069.62 KWH.

5.5 Meter under question is found non-working since 3:02:46 AM on date 11.9.18 with reading 137069.62 KWH whereas no display is observed from 21.09.18 as per application of consumer

5.6 As per GERC Supply Code Notification No.4 of 2015, clause No.6.58 "In case of defective/stuck/stopped/burnt meter, the consume shall be billed on the basis of average consumption of the past three billing cycles immediately preceding the date of the meter being found/reported defective. In case sufficient data are not available then average consumption during two/ three billing cycles of succeeding period may be considered. These charges shall be leviable for a maximum period of three billing cycles only. Provided that any evidence provided by consumer about conditions of working and/or occupancy of the concerned premises during the said period(s)- which might have had a bearing on energy consumption, may be considered by the licensee".

5.7 Here, it is very clear that actual data / consumption of meter under question before 11.09.18 is available hence average taken of previous billing cycles is in order.

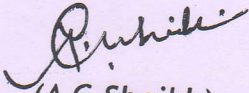
ORDER

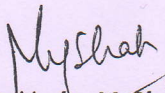
1.0 The Forum has come to the conclusion that:

- The average bill issued to the complainant Shri Sandip Jayani of M/s. Gujarat Finolink Synthetics P Ltd., OPP: GSFC Main Gate, Sokhda Road, Fertilizernagar, Vadodara 391750 for his LTMD connection bearing con No. 02101/14744/0 considering average of previous three billing cycle is in order.
- It is also directed to Deputy Engineer Chhani s/dn of Madhya Gujarat Vij Co Limited that previously, date of meter fault was considered as 21.09.18 however as per data retrieved from MDAS it is revealed that actual meter fault was occurred since 3:02:46 AM on date 11.9.18 with reading 137069.62 KWH. As a result, average of 11.09.18 to 21.09.19 should also be given.
- As party has not paid bills in time delayed payment charge is leviable as per GERC Supply Code 2015, claupe No.6.82 as per prevailing tariff order.




(Smt S H Parekh)
Technical Member


(A G Shaikh)
Independent Member


(Smt Mala Y Shah)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount

issued to the party in question. **The Office address of the Ombudsman is : 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>

