

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-49-2009.10
Complainant	Vaishali Talkies, OPP: St Marg High school, Vaishali Cinema Road, Nadiad, con No.00209/50831/0 LFD-II.
Respondent	Shri P A Dave, DE Nadiad (W) MGVCL.
Date of hearing	17.02.2010

QUORUM	NAME
Chairman	Shri K M Dave, MGVCL
Member	Shri K R Shah, MGVCL
Independent Member	Dr R C Desai, Vadodara

This complaint dated 30.12.09 is directed against the excess recovery of arrears due to change in tariff from LTP-I to LFD-II as recommended by audit section of MGVCL.

Today on 17.02.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Rupesh Patel, Proprietor, appeared on behalf of Vaishali Talkies, whereas Shri P A Dave, DE Nadiad (W) appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows. The complainant is having a cinema house having electric connection bearing No. 00209/50831/0 under Nadiad (W) S/dn of MGVCL. As per prevalent conditions of supply & tariff of MGVCL, cinema houses have to be considered under commercial tariff LFD-II. Still, however, regular bills were being issued under LTP-I tariff. The audit department noticed this irregularity and recommended recovery of arrears for the bills issued in past. The DE of Nadiad (W) of MGVCL issued arrears bill in Aug 2009 under LFD-II tariff for the period from 30.06.06 onwards. Aggrieved by this recovery of past arrears, the consumer has approached this Forum.

Shri Rupesh Patel, proprietor who appeared as complainant contended that they have no objection to pay the regular bills as per LFD-II tariff. However, the recovery of arrears could be only for two years as per provisions under clause No.6.4.8 of GERC Notification No.11 of 2005. In support of his say he cited the judgement of MGVCL in the case of Association of Cinema owners of Nadiad heard on 16.09.09 wherein it was directed to recover the arrears from 20.06.06 onwards. The cinema business is not doing very well now it used to be years ago and therefore some reliefs should be granted.

The Respondent Shri P A Dave, DE MGVCL contended that the arrears bill had been issued for the period from 20.06.06 as per recommendation of

audit department of MGVCL and the judgement of Consumer Grievances Redressal Forum of MGVCL delivered on 16.09.09 in the matter of cinema owners' association of Nadiad.

The Forum Members present at the hearing considered contention of both the parties and perused the records. The complainant was informed of the provisions of electric supply and tariff and GERC regulations. In the recent past judgement in the similar matter of cinema owners association of Nadiad, it was ruled that the recovery of arrears could only be from 20.06.06 onwards. This became publicly known among cinema owners and it was accepted. The complainant was then convinced and he agreed to pay the arrears since 20.06.06. He, therefore, proposed to withdraw his complaint which was granted.

In view of the above discussion, the Forum is of the opinion that the arrears due to difference in LTP-I and LFD-II tariffs be collected from 20.06.2006 onwards and not for prior period.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to recover the full arrears due to difference in LTP-I and LFD-II tariffs from 20.06.06.

(K R Shah)
Member

(Dr R C Desai)
Independent Member

(K M Dave)
Chairman

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>