

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 No.MG-I-11-2011.12
Applicant	Shri Rajendra B Barve on behalf of Rekhaben Barve at C 75, Akshardham Duplex, Near Subodhnagar, Manjalpur, Vadodara
Respondent	Shri N A Shah DE of Lalbaug MGVCCL
Date of hearing	10.06.2011

QUORUM	NAME
Chairman	Shri K M Dave, MGVCCL
Member	Shri K R Shah, MGVCCL
Independent Member	Shri M J Vaidya, Vadodara

The applicant vide letter dated 25.5.2011 is asking information about relevant law or act for recovery of past dues and the reimbursement of expenses incurred.

Today on 10.06.2011, the case of the applicant was heard before Consumer Grievance Redressal Forum wherein Shri Rajendra B Barve, appeared on behalf of Rekhaben Barve, whereas Shri N A Shah DE of Lalbaug appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are:

1. MGVCCL is showing past dues on running monthly bills for recovery with retrospective effect.
2. The Lalbaug s/dn of MGVCCL is giving break up details of each element of bill of the applicant.
3. The applicant has asked MGVCCL to pay Rs.1200/ towards the expenditure incurred by him in the case matter.

The representative of the applicant Shri Rajendra Barve contended that he had gone with appeal No.2212 / 2008.09 under section 19 of the Right to Information Act 2005 with Gujarat Information Commission, Gandhinagar, on 01.02.2009 and all information have been given except the legality of MGVCCL's circular for FPPPA charges for which the applicant has to approach the competent Forum. The applicant had contended that only after having this clarification, he shall pay the said past dues towards differential FPPPA charges. The applicant had also contended that MGVCCL should pay Rs.1200/ towards the expenditure incurred by him in this case matter.

The Respondent Shri N A Shah DE of Lalbaug, MGVCCL contended that he is regularly giving break up details of each element of all electricity bills to this applicant with full details of past dues. Even after this, the applicant is not

satisfied. In spite of reminder dated 13.5.11 to the applicant, he has not paid Rs.8.02 paise against differential FPPPA charges.

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

The Electricity Act, 2003 Section 61, 62 Part-VII shows tariff regulations and tariff determination, Section 29 of Electricity Regulatory Commission Act 1998 shows the determination of tariff by State Commission. In exercise of powers vested under the Gujarat Electricity Industry (Reorganization & Regulation) Act 2003 and The Electricity Act, 2003, the Gujarat Electricity Regulatory Commission has passed order No.252 of 2004 and accordingly the circular issued by MGVL in terms of GERC's tariff orders, is in order. MGVL and all other DISCOMs are recovering difference of fuel cost from all categories of consumers in terms of tariff order of GERC. It is variable and hence it is declared as per GERC approved formula for every quarter & adjusted in consumer's bill.

ORDER

The Forum directs Madhya Gujarat Vij Co Limited to recover the full amount of past dues towards FPPPA charges from the applicant charged as per GERC's tariff order with relevant retrospective effect. If applicant does not pay such past dues, MGVL is directed to take suitable actions as per applicable rules & regulations. Rs.1200/- as claimed by applicant is not payable by MGVL.

(K R Shah)
Member

(M J Vaidya)
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>