

**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-18-2014.15
Complainant	Shri Shailesh Thakkar, Executive Director & CEO and Shri Utkarsh Thite, SEM, Maintenance of M/s. Banco Products (India) Ltd., At : Bill, Near Bhaily Railway Station, Padra Road, Vadodara
Respondent	Shri J R Shah, Deputy Engineer & Shri A V Shah Dy Supdt of Accounts of Baroda (O&M) Division of MGVCL.
Date of hearing	16.05.2014 at Vadodara

QUORUM	NAME
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Smt Medha M Marathe, MGVCL

The complaint dated 06.05.2014 regarding exemption of electricity duty (HT Consumer No. 13881).

On 16.05.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Shailesh Thakkar, Executive Director & CEO and Shri Utkarsh Thite, SEM, Maintenance appeared on behalf of M/s. Banco Products (India) Ltd., whereas Shri J R Shah, Deputy Engineer & Shri A V Shah Dy Supdt of Accounts of Baroda (O&M) Division appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are:

1. M/s. Synefra Engineering And Construction Limited, Village Pipariya Tal: Waghodia, Dist: Vadodara is EHT consumer having consumer No.13881 under Baroda (O&M) Division of MGVCL.
2. Consumer M/s. Synefra Engineering And Construction Limited is having EHT connection at 66 KV & having Distribution License to distribute power supply within the area of Special Economic Zone (SEZ) M/s. Banco Products (India) Limited, Vadodara is having Contract Demand of 900 KVA & HT power supply getting from M/s. Synefra Engineering And Construction Limited.
3. M/s. Banco Products (India) Limited, Vadodara, had received certificate from the office of the Collector of Electricity Duty, Gandhinagar for remission of Electricity Duty from the period from 16th July 2012 to 15th July 2022 vide letter dated 01.03.2013. The sub meter No.216274-4311 of HT consumer No.13881 was mentioned in the certificate which was not correct and hence M/s. Banco Products (India) Limited, Vadodara had informed to correct the Sub Meter No.MSP - 33939 instead of 216274-4311 to the office of the Collector of Electricity Duty, Gandhinagar.
4. Corrigendum with correction of meter number was received on dated 22.10.2013 from the office of the Collector of Electricity Duty, Gandhinagar.
5. MGVCL laboratory had provided seal to meter No.MSP33939 on 27.08.2013.

6. M/s. Banco Products (India) Limited, Vadodara urged to give effective date of duty exemption from 16.07.2012 instead of 27.08.2013 and refund the electricity duty recovered for the period from 16.07.2013 to 27.08.2013 with the 18% interest annually.
7. It is also mentioned that MGVCL has no jurisdiction to decide effective date of duty exemption but to follow the approval for duty exemption issued by the Collector of Electricity Duty, Gandhinagar.
8. Government of Gujarat is taking keen initiative to provide benefit of Electricity Duty to new industries in SEZ to boost up the industrial growth across the state.
9. He requested to impart justice.

The representative of the complainant contended that M/s. Synefra Engineering And Construction Limited is the consumer of MGVCL having Distribution License to distribute power supply within the area of Special Economic Zone (SEZ) M/s. Banco Products (India) Limited, Vadodara is having Contract Demand of 900 KVA & getting HT power supply from M/s. Synefra Engineering And Construction Limited. M/s. Banco Products (India) Limited, Vadodara, has received certificate from the office of the Collector of Electricity Duty, Gandhinagar for remission of Electricity Duty from the period 16th July 2012 to 15th July 2022 vide letter dated 01.03.2013. The sub meter No.216274-4311 of HT consumer No.13881 was mentioned in the certificate which was not correct and hence M/s. Banco Products (India) Limited, Vadodara had informed to correct the Sub Meter No.MSP - 33939 instead of 216274-4311 to the office of the Collector of Electricity Duty, Gandhinagar.

Corrigendum with correction of meter number was received on dated 22.10.2013 from the office of the Collector of Electricity Duty, Gandhinagar. MGVLCL laboratory had provided seal to meter No.MSP33939 on 27.08.2013. M/s. Banco Products (India) Limited, Vadodara urged to give effective date of duty exemption from 16.07.2012 instead of 27.08.2013 and refund the electricity duty recovered for the period from 16.07.2012 to 27.08.2013 with the 18% interest annually. It is also mentioned that MGVLCL has no jurisdiction to decide effective date of duty exemption but to follow the approval for duty exemption issued by the Collector of Electricity Duty, Gandhinagar. Government of Gujarat is taking keen initiative to provide benefit of Electricity Duty to new industries in SEZ to boost up the industrial growth across the state & requested to impart justice.

The respondent contended that M/s. Banco Products (India) Limited, Vadodara, is not a consumer of MGVLCL but he is consumer of M/s. Synefra Engineering And Construction Limited under high-tech SEZ. MGVLCL is not issuing the bill to M/s. Banco Products (India) Limited, Vadodara, so question of refund of electricity duty does not pertains to MGVLCL. However, details given in the case are as under:

- i. M/s. Synefra Engineering And Construction Limited, is EHT consumer of MGVLCL having Contract Demand of 2900 KVA under HTP-1 tariff at 66 KV voltage level.
- ii. As per the certificate and reading data furnished by M/s. Synefra Engineering And Construction Limited, the electricity duty is being charged to HT consumer of MGVLCL. However, M/s. Banco Products (India) Limited, Vadodara has directly approached office of Electricity Duty,

Gandhinagar, for exemption and obtained certificate for the period 16.07.2012 to 15.07.2013 and MGVCL has not furnished any meter & sealing details.

- iii. Generally, MGVCL is applying to Collector of Electricity Duty in the prescribed format with meter details and meter sealing date for getting exemption in Electricity Duty.
- iv. In case of other consumers of M/s. Synefra Engineering And Construction Limited viz M/s. Suzlon and M/s. SE Forge, exemption in electricity duty is given from the date of seal provided normally in other cases also benefit of exemption in electricity duty is given from the date of sealing of the meter.
- v. On getting certificate for exemption in electricity duty in case of M/s. Banco Products (India) Limited, M/s. Synefra Engineering And Construction Limited had given monthly consumption details from 16.7.2012 to 27.8.2013, for getting refund of electricity duty paid and also approached for sealing of the sub meter provided to M/s. Banco Products (India) Limited. Thereafter, Baroda Division lab had provided seal on 27.8.2013.
- vi. M/s. Synefra Engineering And Construction Limited had approached office of the Executive Engineer of Baroda (O&M) Division of MGVCL for refund of electricity duty paid from 12.07.2012 to 27.08.2013 so as to refund the same to M/s. Banco Products (India) Limited.

- vii. Executive Engineer (O&M) MGVCL Baroda had received clarification from Competent Authority that the effective to be considered as per rules as a date of sealing.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that M/s. Banco Products (India) Limited is not a consumer of MGVCL and any grievances of M/s. Banco Products (India) Limited are to be resolved by M/s. Synefra Engineering And Construction Limited. However, going through the details and data furnished, exemption in electricity duty considered from the date of sealing is as per the rules. Unless the meter is sealed, consumption data considered for calculation of Electricity duty is not authentic. However, complainant can approach Collector of Electricity Duty for refund of amount recovered for the period 16.07.2012 to 27.08.2013.

In view of the above discussion, the Forum is of the opinion that as per clause 1.5 (C) of Notification No. 2 of 2011 of GERC, for (CGRF & Ombudsman) Regulation 2011, M/s. Banco Products (India) Limited is not the consumer of MGVCL hence he has to approach M/s. Synefra Engineering And Construction Limited to resolve his grievances nevertheless action taken by MGVCL for giving effect for exemption from date of sealing is as per rules.

ORDER

The Forum directs the complainant M/s. Banco Products (India) Ltd., At : Bill, Near Bhaily Railway Station, Padra Road, Vadodara to approach M/s. Synefra Engineering And Construction Limited to resolve his grievances. Action of MGVCL to give effect from date of sealing is in order.

(Medha M Marathe)
Technical Member

(Harsha S Chauhan)
Independent Member

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>