

**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-IV-122-2012.13
Complainant	M/s. Bhavnath Metal Quarry Works, 125, 1 st floor, Saikrupa Society, OPP: Gayatrinagar Society, Near Amitnagar Circle, VIP Road, Karelibaug, Vadodara .
Respondent	Shri A V Shah Dy SA Vadodara Division of MGVCL
Date of hearing	28.03.2013 at Corporate Office, Vadodara.

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 09.02.2013 regarding HTP-1 tariff.

On 28.03.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri V R Kapoor, appeared on behalf of M/s. Bhavnath Metal Quarry Works, whereas Shri A V Shah, Dy Supdt Accounts, of Vadodara Division respondent appeared on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. Application for 225 KVA HT power supply was registered on 20.9.11. The applicant was having LTMD connection 70 KW bearing consumer No.09115 / 00472 / 6
2. Estimate for 225 KVA HT power supply was issued to the applicant vide Baroda (O&M) letter No.BC:T:DE:III:380:2435 dated 26.03.2012 and estimate paid on 22.5.12 by the complainant.
3. After completion of the work, Release order was issued by Circle office vide letter dated 11.09.2012. Till date, complainant has not submitted test report as such HT power supply is not released. The HT connection is considered deemed released

w.e.f. 11.11.12 i.e. from the date of completion of 60 days from the date of issue of release order.

The representative of the complainant contended that

1. MGVCL has recovered maximum demand fixed charges more in LTMD connection compared to HTP-1 connection.
2. As per Supply Code of GERC, para No.4.1.17 "DISCOM will not provide more than one connection/ meter in one premises.
3. MGVCL has no right to recover fixed charges for two connections in one premises.
4. The complainant had written a letter to Executive Engineer Baroda (O&M) division office to cancel HTP-1 maximum charge bill tariff from November-December 2012. Though, there is 11 KV HT line passing through the premises of the complainant, new line is erected from the same 11 KV feeder by crossing Vejpur / Jambuvagoral / main road.
5. Any expenditure for system improvement should not be recovered from the consumers by MGVCL as per norms.
6. MGVCL has issued 60 days' notice without completion of 100% work.
7. Till today, CTPT has not been installed by MGVCL, hence, 60 days' notice should be ignored.
8. Transformer Centre charges should be refunded to the complainant by MGVCL.
9. The incorrect HTP-1 bills should be cancelled immediately.
10. As per Supply Code, MGVCL cannot recover fixed charge from the consumers for HTP-1 (non-release) and existing running LTMD connection in the same premises.
11. MGVCL recovers penalty charges in LTMD connection as per GERC tariff order from the consumer, if consumer used MD more than contract load which is more than fixed charges of HTP-1 tariff.

The Respondent contended that :

1. Application for 225 KVA HT power supply was registered on 20.9.11. The applicant was having LTMD connection 70 KW bearing consumer No.09115 / 00472 / 6
2. Estimate for 225 KVA HT power supply was issued to the applicant vide Baroda (O&M) letter No.BC:T:DE:III:380:2435 dated 26.03.2012 and estimate paid on 22.5.12 by the complainant.
3. After completion of the work, Release order was issued by Circle office vide letter dated 11.09.2012. Till date, complainant has not submitted test report as such HT power supply is not released. The HT connection is deemed released w.e.f. 11.11.12 i.e. from the date of completion of 60 days from the date of issue of release order. However, regarding issue of LT and HT bill, bill is revised as per HT tariff as the consumer was already using the load above 100 KW, however, did not submit test report purposefully and consumer is served revised bill accordingly. From April 2012 LT billing is being discontinued and consumer will be billed as per HT tariff based on existing LT metering.
4. As per MGVCL norms, Point of Supply for HT connection should be nearest to the main entry gate of the premises and hence 11 KV new line was erected by crossing Vejpur / Jambuvagoral / Main road
5. As per MGVCL, they have not recovered any charges towards system improvement from the consumers.
6. MGVCL has issued 60 days' notice as per scope of the estimate.
7. As per norms of MGVCL., transformer proportionate charges to be recovered from LT industrial consumers prior to 11.5.11 and after that fixed charges become payable to all LT industrial consumers. Transformer proportionate charges are non-refundable.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that :

1. After completion of work, release order was issued to the complainant on 11.9.2012 but till today complainant has not submitted test report and hence, HT power supply is not released.

2. HTP-1 connection is deemed released w.e.f. 11.11.12 from the date of completion of 60 days' notice from the date of issue of release order. However, regarding issue of LT and HT bills, the bills are revised as per HT tariff as the consumer is already using the load more than 100 KW and did not submit test report purposefully and consumer served revised bill as per statement of MGVCL. The LT billing is stopped and consumer is billed as HTP-1 tariff based on existing LT metering.
3. As per MGVCL norms, point of supply for HT connection should be nearer to the main entry gate of the premises. It seems that due to this reason, MGVCL has preferred to give HT power supply from nearby feeder.
4. As per statement of MGVCL, they do not recover charges for any system improvement from the consumer.
5. As per GERC Supply Code, para No.6.1.16, the CTPT should be purchased and installed by MGVCL. However, to avoid delay, MGVCL as a special case gives option to consumer to purchase CTPT units subject to reimbursement of amount of CTPT cost. So in such cases, cancellation of notice period or extension of notice period, does not come into the picture".

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to follow the following orders:

1. Non-release of HT power supply in absence of test report is in order.
2. The date fixed by MGVCL to issue revised bills are in order.
3. The selection of feeder and point of supply for HT power supply is in order..
4. Statement of MGVCL that they do not recover charges for system improvement from any consumer is in order.
5. Line losses @ 8.73% added to the energy and demand recorded in LT meter are as per GUVNL guideline dated 9.5.12.

6. If CTPT required is to be purchased by complainant, it should be informed to them well in advance as per rules.

(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>