

**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-128-2012.13
Complainant	M/s. Dharma Quarry Works, Village Varsada, Tal: Savli, Dist : Vadodara.
Respondent	Shri A V Shah, Dy Supdt Accounts 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 20.02.13 regarding refund of transformer charges etc.

On 28.03.13, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri V R Kapoor, appeared on behalf of M/s. Dharma Quarry Works whereas Shri A V Shah, Deputy Supdt Accounts appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. The LT consumer No.09102/00011/3 for 96 KW in the name of M/s. Dharma Quarry Works, village Varsada, Tal: Savli, Dist : Vadodara.
2. Due to exceeding in maximum demand, crossing the limit of LT connection, MGVCL authority had issued notice to switch over to HTP-1 connection as per GERC Tariff Order as the demand was crossing the limit of 100 KW.
3. The complainant had applied to switchover existing 96 KW LT connection to 225 KVA under HTP-1 tariff..
4. Accordingly, LT connection of 96 KW has been switched over to HTP-1 of 225 KVA by MGVCL authority as per complainant's demand.

5. It was requested on 18.03.2012 to Executive Engineer (O&M) Baroda in writing to cancel HTP-1 minimum fixed charge bill but no action has been taken.
6. The complainant also received disconnection notice to pay HTP- 1 minimum fixed charge i.e. Rs.95500/
7. MGVCL has not installed CTPT unit till the complaint date.
8. In absence of CTPT unit for metering purpose for HTP-1 connection, the HT billing was made by LT metering as the LT demand was crossing 100 KW. The Current Transformer coil was purchased by the complainant. Lab charges have been recovered from the complainant. Hence, CT coil testing charges of Rs.1050/ + Rs.1500/ (CT coil cost) = Rs.2550/ should be refunded to the complainant.
9. MGVCL is not showing meter reading (past & present) in the HT energy bill so it is difficult for consumer to understand the bill.
10. As per Supply Code of GERC, 60 days notice period is required to be issued to the consumer after 100% completion of work. As the work was not completed by MGVCL, the notice can be ignored and HTP tariff bill should be prepared after installation of CTPT unit i.e. 100% completion of works.

The representative of the complainant contended that :

- i. Due to exceeding maximum demand in LT connection, MGVCL has issued notice to the consumer. MGVCL has maximum demand fixed charges more for LT connection compared to HTP-1 connection fixed charges.
- ii. As per supply code of GERC, para no.4.1.17, the DISCOM will not provide more than one connection/ meter for one premises.

- iii. MGVCL should not recover fixed charges for two connections in one premises. They have to cancel HTP-1 maximum fixed charges bill dated 18.03.2012.
- iv. The disconnection notice has been served by MGVCL, if complainant failed to pay HTP-1 minimum fixed charges.
- v. MGVCL has recovered Rs.95500/ which is not correct and should be refunded with bank interest.
- vi. Due to non-availability of CTPT unit, the HTP-1 connection was released on LT metering.
- vii. Thereafter, CT coil was purchased by the complainant and testing charges were also recovered from the complainant by MGVCL which is against the norms of GERC.
- viii. CT coil cost Rs.1500/ Plus CT coil testing charges Rs.1050/ totaling Rs.2550/ should be borne by MGVCL and will be refunded to the complainant..
- ix. The complainant is not able to compare consumption shown in G7 card and integrated bill for July 2012 as such the consumption units of G7 card should also appear in integrated bill system.
- x. MGVCL should issue notice of 60 days' to the consumer after 100% completion of work. This should not be applicable when MGVCL is not in a position to supply CTPT units and hence, notice should be cancelled and fresh notice should be issued after installing CTPT units.
- xi. MGVCL should refund transformer centre charges as complainant has not asked new connection as per GERC norms.

The Respondent contended that

1. The release order was issued on 01.12.2011 and billing was started for HT power supply w.e.f. 01.03.2012. As consumer has not submitted test report, HT connection treated as deemed released w.e.f. 01.03.2012.. MGVCCL has revised bill applying HT tariff as he was using load more than 100 KW, although he had not submitted the test report purposefully and accordingly Rs.10632.73 becomes recoverable for the period from March 2012 to May 2012 which was informed to the complainant.
2. The complainant had submitted test report on 14.5.12 and submitted undertaking to provide GPCB notice within 120 days failing which connection is liable to be disconnected. HT connection was released on 05.06.2012.
3. Due to non-availability of CTPT unit, the connection was released with LT metering as LT connection was already existing in the premises. In this case, CT coils were provided by the complainant which were tested in MGVCCL lab. As payment of lab testing charges and the cost of CT coils are borne by the applicant, it can be refunded on receipt of the approval of the Competent Authority.
4. There is no fabrication in the bill for July 2012, the line losses @ 8.73% is added to energy recorded in LT meter and demand recorded in LT meter as per guidelines of GUVNL vide their letter No.GUVNL: Tech:1312 dated 09.05.2012.
5. There is uniform policy for all DISCOMs regarding energy bills for the HT / EHT consumers.
6. MGVCCL had issued 60 days' notice as per the scope of the estimate.
7. CTPT will be installed on availability but release of connection on LT metering was a stop gap arrangement as per rules and there is no loss to either parties.

8. 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 are applicable to all LT industrial consumers. Recovering the transformer charges is as per rules.

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

1. Registration charges are taken for change of LT load to HT load in same premises @ Rs.10/ KVA where KVA is total demand for HT connection, hence, it is not for extension of load but total demand in HT connection.
2. As per GERC Supply Code, para No.6.1.16, "In the case of high tension consumer taking supply, up to and including 33 kV the Distribution Licensee shall normally provide the HT metering equipment for registering the demand as well as the energy consumed. For those Consumers taking supply at 66 kV and above the Distribution Licensee shall only provide at own cost Trivector meter and the consumer shall at his own cost provide a suitable Current Transformer and Potential Transformer.

Accordingly, MGVCL provides CTPT for HT metering and the delay is due to inadequate supply from the supplier / manufacturers. Hence, there was shortage of CTPT in MGVCL. To avoid delay in releasing the connection, MGVCL as a special case gives option to consumer to purchase CTPT units subject to reimbursement of amount of CTPT cost. This information is given by MGVCL to the consumer well in advance so that when consumer agrees & intends to purchase CTPT according to his planning to increase load demand. So in such cases, cancellation of notice period or extension of notice period, does not come into the picture.

3. During the process of changing over from LT to HT, LT supply continued till HT connection works is completed in every respect. However, the HT billing is

started after the notice period is over. In this case, work was completed on MGVCL side but complainant had not submitted test report in time and hence, billing was started applying HT tariff as consumer was using load more than 100 KW, although he had not submitted test report purposefully and accordingly Rs.10632.73 is payable by the complainant for the period from March 12 to May 12.

4. The billing for HT connection started w.e.f 01.03.2012 considering HT connection deemed released in absence of valid test report. HT connection was physically released on 5.6.12 after the complainant had submitted test report on 14.5.12 with the undertaking to provide GPCB NOC within 120 days.
5. Regarding CT coils, purchased by the complainant, the cost of the same including its testing charges to be reimbursed by MGVCL.
6. While preparing bill, MGVCL is recovering line losses @ 8.73% (difference of HT line losses and LT line losses) on energy as well as demand recorded in LT meter. This is as per GUVNL guidelines vide letter dated 9.5.12.
7. All energy bills for HT / EHT consumers are being served uniformly in all DISCOM of Gujarat working as subsidiary companies of GUVNL.

In view of the above discussion, the Forum is of the opinion that :

1. Registration charges based on Rs.10/KVA of HT demand become payable which is as per Supply Code of GERC.
2. There is no ambiguity in Supply Code para No.6.1.16, if MGVCL has intimated to the consumer well in advance for purchase of CTPT then 60 days' notice period is valid for changing over from LT to HT power supply. However, in this case, test report of the system was not submitted in time and hence the problem has occurred.

3. The complainant has purchased CT coil in this case for LT metering in absence of 11 KV CTPT and has paid testing charges. The cost of CT coil and testing charges should be refunded by MGVL to the complainant.
4. Line losses @ 8.73% added to the energy and demand recorded in LT meter are as per GUVNL guideline dated 9.5.12. This relates to the difference of line losses between 11 KV network and 400 volt network as per GERC order dated 6.9.2011 which was issued in letter No. GUVNL / Tech / 1312 dated 9th May 2012.
5. Energy bills for HT / EHT consumers are uniformly decided by all DISCOMs.
6. Transformer proportionate charges are not refundable as per rules.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to follow the following orders for complainant M/s. Dharma Quarry Works:

:

1. Registration charges for LT to HT conversion are in order.
2. There is no ambiguity in Supply Code para No.4.1.9, if MGVL has intimated to the consumer well in advance for purchase of CTPT when 60 days' notice period is valid for changing over from LT to HT power supply. However, in this case, test report of the system was not submitted in time and hence the problem has occurred.
3. MGVL may give option to the complainant to purchase CTPT units if it is not available with them due to failure of supplier of CTPT to supply as per specification and it is not possible for them to purchase in time due to procedure. They informed well in advance to the applicant so that notice period is maintained. The charges for the CT coils purchased by the consumer including testing charges should be reimbursed by MGVL.

4. Line losses @ 8.73% are added by MGVCL to prepare the energy bill for HT consumers is found in order as per GUVNL circular. However, these details recorded in G7 card should appear in integrated energy bill issued by MGVCL to HT consumers.
5. There is no provision to refund transformer proportionate charges to the consumers after release of LT connection as per the demand.

(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>