

**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-10-2014-15
Complainant	M/s EKTA Associates Shed no.118 Madhwas Tal.Kalol Dist.Panchmahal
Respondent	Shri M.I.Naik, Deputy Engineer of Kalol s/dn
Date of hearing	25.04.2014 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Smt M M Marathe, MGVCL

The complaint received on dtd.15.04.2014, for supplementary bill issued for slowness by MGVCL.

On 25.04.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein complainant Shri Alpesh H.Shah appeared as partner of M/s. EKTA Associates, whereas Shri M.I.Naik, Deputy Engineer of Kalol s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

- 1) The complainant Shri Alpesh H Shah is a partner of M/S Ekta Associates having contracted load of 70 KW LTMD bearing consumer no. 07513/10600/2 located at shed no. 118, At Madhvas, Ta. Kalol, Dist. Panchmahal for a hot mix plant.

- 2) The connection was checked on 03/07/2013 and for 35% slowness found in meter so issued an additional bill of Rs.2,85,097.62 on 30/03/2013.
- 3) On dtd.13.03.2014 a registered notice was given to complainant stating that if they failed to pay supplementary bill within 07 days, the electric supply would be discontinued.
- 4) Complainant had given reply of the notice on dtd.22.03.2014 through notice to MGVCL stating that checking was not carried out as per legal provisions, and regarding meter testing no intimation for place, date and time was given. Also meter was not opened in their presence and no procedure for sealing of meter was exercised. Also checking sheet was prepared violating legal provisions and procedures and the supplementary bill served on 27.12.2013 based on it is totally wrong and void of legal provisions, hence liable for cancellation. As per the law any procedure which is affecting the interest of the person, affected person must be taken into confidence. But neither complainant's signature nor consent was taken. As per MGVCL notice meter was running 35% slow but the consumption worked out for slowness for the period July-2010 to Dec-2013 doesn't match with supplementary bill.
- 5) The complainant has stated that they are operating hot mix plant as and when required. Therefore, electricity consumption is not constant so the average consumption cannot be worked out. He

requested to check their consumption pattern since July 2010 in support of it.

- 6) As per supply conditions, meter must be checked at regular interval specified in the law, however in complainant's case such checking has not been carried out since the installation of meter(i.e. 30 months).
- 7) As per rules slowness bill must be worked out considering last six months consumption and applying slowness factor. However this period has not been considered.
- 8) In response, MGVL has submitted reply to the notice on dtd.02.02.2014 by further notice stating that the bill issued is in order. However, they may represent their grievance to Consumer grievance Redressal forum, MGVL corporate office Vadodara if required.

The complainant contended that he was given supplementary bill on 27.13.2013 of Rs.2,85,097.62 in pursuit of slowness detected in their meter during checking on 03.07.2013, which is totally illegal ,void and without observing laid down procedure. Also during meter testing they were not informed and as an affected party he must be taken into confidence for such procedure. On applying slowness factor the total consumption worked out since the connection release date i.e.July-2010 to Dec-2013 must match with the Supplementary bill units, but same is not true. As per law, supplementary bill for slowness of meter can be calculated/ served for the period of not more than 06 months but the supplementary bill served to him is from July 2010 to Dec 2013 is liable for cancellation. Complainant urged to cancel the bill served to them on dtd.27.12.2013 on legally void ground and to give compensation of

Rs.50,000/- for hardships faced by them and derogatory image created on account of this case.

The respondent contended that the complainant was served supplementary bill on the basis of findings of checking carried out (as per MRI data) by checking squad on 03.07.2013. In fact meter at site was to be checked with accucheck meter, however due to low loading it couldn't become possible. As meter was showing R phase PT low, MRI data was collected and its results would be final in this regard. The said decision was taken in presence of complainant's representative Shri Rakesh Shah, who has even signed the checking sheet. The supplementary bill served to complainant was based on MRI findings according to which the R phase PT was found missing for the period of 576 days . So complainant's representation is not correct and bill served is in order.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that since same meter is at site, MGVCL may arrange once again checking of same with accucheck and the results found would be binding to both. Complainant's representative present in the hearing also agreed with this decision. Subsequently the meter was tested on 29.04.2014 at site in presence of complainant's representative and it was found 31.15% slow. Hence supplementary bill as per this checking must be served to the complainant for six months immediately preceding the date of inspection of meter as per clause no.6.1.18 of GERC Supply Code Regulation and supplementary bill dtd.27.12.2013 should be revised.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to issue supplementary bill to M/S EKTA Associates Shed no.118 Madhwas Tal. Kalol Dist. Panchmahal

for 31.15% slowness as per checking carried out on 29.04.2014 for a period of six months immediately preceding the date of inspection i.e. from 3.7.13 till date of replacement of meter and cancel the supplementary bill served on 27.12.2013.

(Medha M Marathe)
Technical Member

(Harsha S Chauhan)
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>