

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2011 of GERC (CGRF & Ombudsman)

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-III-17-2019-20
Complainant	The President, Yash Complex Co.op Housing Service Society Limited, Yash Complex, Near Metro Society, Gotri Road, Vadodara
Respondent	Shri H K Parmar, Dy Engineer Gotri s/dn and Shri Solanki, Executive Engineer (T) of Baroda city Circle of MGVCL.
Date of hearing	19.12.2019 at Corporate office, Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Shri M T Sangada, (RA&C) MGVCL Vadodara

The complaint for unresolved grievances regarding non-payment of interest on wrongly charged amount retained for more than 21 months.

1.0 On 19.12.2019, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri G R Darji, appeared on behalf of complainant The President, Yash Complex Co.op Housing Service Society Limited, Yash Complex, Near Metro Society, Gotri Road, Vadodara whereas Shri H K Parmar, Dy Engineer Gotri s/dn and Shri Solanki, Executive Engineer (T) of Baroda city Circle appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 Petition filed to GERC vide complain No.1305 / 2013 by The President, Yash Complex Co.op Housing Service Society Limited, Yash Complex, Near Metro Society, Gotri Road, Vadodara, to (i) withdraw the suppl bill issued for tariff difference by applying correct tariff i.e. LTMD to RGPU (ii) to refund excess amount recovered with interest and (iii) compensation as per SoP.

2.2 GERC in its interim order dated 15.06.2013 directed to resolve the matter through mutual discussion amicably on the issue of applicable appropriate tariff.

2.3 After hearing on 06.07.2013, GERC ordered for joint inspection to verify the load at site.

2.4 After hearing on 23.07.2013, GERC issued final order for Petition No.1305/2013 stating "to apply correct tariff for 2 nos of connections as



RGPU instead of LTMD from the date of tariff and rectify the bill accordingly. Also, the suppl bills issued are set aside and the payment if any made by the petitioner is to be refunded.

2.5 MGVCCL filed petition in APTEL, vide appeal No.311/2013 and IA No.404/2013 but APTEL dismissed the appeal vide order dt 27.05.2014.

2.6 Petition filed by The President, Yash Complex Co.op Housing Service Society Limited, Yash Complex, Near Metro Society, Gotri Road, Vadodara, vide Petition No.1472/ 2014 dated 08.05.2017 and same was dismissed by GERC as Security deposit and tariff difference amount was already adjusted / refunded.

3.0 The complainant contended that

3.1 Due to audit raised by Government auditors in case of Yash Complex Co.op Housing Service Society Limited, Yash Complex, Near Metro Society, Gotri Road, Vadodara, regarding interest on amount wrongly collected by MGVCCL for tariff difference from LTMD to RGPU

3.2 According to the interim oral order in Petition No.1472 of 2014 dated 4.5.15 for which hearing held on 18.4.15 it was asked by commission to sit together for amicable solution and as per para No.3 which read out as under:

"we have carefully considered the submission made by the parties. The present petition has been filed by the petitioner (Yash Complex) for compliance of the order of the commission in petition No.1305 of 2013. The petitioner had requested to refund an excess amount alongwith interest at rate as applicable for DPC from the date of payment made to the date of refund by the respondent (MGVCCL). During the hearing it transpired that the respondent had not refunded the excess amount immediately to the petitioner even though the order was passed by the commission in that regard. It is observed that the respondent is giving an adjustment for the excess amount recovered for the tariff differential of LTMD and RGPU in the monthly bill which is not in accordance with order passed by the commission. During the hearing the respondent agreed to refund the balance amount to the petitioner immediately without waiting for giving adjustment in monthly bill. Both petitioner and respondent agreed to discuss and arrived at an amicable solution. Hence, we direct both the parties to discuss mutually the issues involved in the present petition and file their status report before the commission on or before 18.05.15.

From above para, it is very clear that respondent had not followed the order and also covered only that part of above para in MoM which is produced below

According to the meeting held at corporate office of MGVCCL on 24.04.15 the attention to the 3rd para of the MoM which reads as under:

"MGVCCL stated that commission order is only for refund so MGVCCL is insisted that matter of interest shall be deliberated by MGVCCL. Amount



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liable for refund has been given credit by way of adjustment in the bill. However, balance amount is still left as credit, shall be refunded by way of cheque in the name of petitioner (Yash Complex).

The matter related to interest then onwards is not deliberated by MGVCCL as said in above minutes till we apply for interest as per audit by government auditors of Yash Complex Co.op Housing Service Society Limited, Yash Complex, Near Metro Society, Gotri Road, Vadodara.

3.3 Payment of interest at rate of DPC (delayed payment charges from date of payment to till date on the amount retained with you which were paid under protest on account of wrongly changed tariff) as per Regulations.

3.4 Recommendation to be made to appropriate authority to initiate action under section 142 of IE Act 2003 for not adhering to regulations and not following the order made by Hon' Commission

4.0 The respondent contended that

4.1 The Complainant had filed petition No: 1305 of 2013 against the order of CGRF of dated 02.11.2011 in complaint No MG-III-76-2011-12 and Ombudsman of dated 23.03.2012 in 08/2012 for applicability of correct tariff, to quash the supplementary bills issued for residential complex under LTMD Category, to refund excess amount recover along with the interest as applicable for DPC rate and compensation for not adhering the SOP.

4.2 In para 6.6 of the order of dated 08.08.2013 in Petition No. 1305 of 2013, the Hon'ble Commission decided and directed the Respondent MGVCCL to apply correct tariff category to the two connections as RGP from the date of the tariff order and rectify the billing accordingly, set aside the supplementary bills and also directed the Respondent to refund the payment, if any, made by the Petitioner. But no specific order is passed for the interest as prayed in the petition.

4.3 The order of dated 08.08.2013 passed by the Hon'ble Commission in Petition No. 1305 of 2013 was challenged by the Respondent MGVCCL by filing Appeal No. 311 of 2013 before the Hon'ble APTEL. The Hon'ble APTEL dismissed the aforesaid appeal and upheld the order of the Hon'ble Commission.

4.4 The Complainant had filed petition No.1472/2014 in the Office of Hon'ble Commission (GERC) praying for Initiate action under Section 142, refund of amount alongwith the interest, payment of expense made by MGVCCL from the pocket of Officials, Compensation for standard of performance.

4.5 Meeting held on 24.04.2015 at MGVCCL, Corporate office, Vadodara in reference to hearing at GERC on 18.04.2015 in petition No 1472/2014 for amicable solution and it is decided to refund liable amount of Security Deposit for refund by way of cheque and total Amount alongwith interest of Rs.46,578=62 refunded vide cheque No. 919302 dtd 02.05.2015.



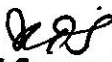
4.6 Now the Complainant has registered their application on dtd 20.06.2019 addressed to CGRF, Corporate office, Vadodara to make the payment of interest on the balance amount which was collected under LTMD tariff remained with MGVL from date of payment made in April 2013 to till date of payment at the same rate as applicable for delayed payment charges.

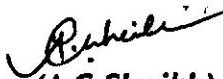
The same complain was transferred to CRC at city circle office, Vadodara, hearing was carried out on 20.07.2019 and order issued vide MG/BCC/II/1/2019 dated 29.07.2019 stating that "prayer of complainant was dismissed considering order of GERC dated 08.08.13 & 09.05.17 and also judgment of APTEL dated 27.05.14 in appeal No.311/2013".

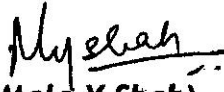
5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that previously in order of GERC and APTEL nothing is directed for payment of interest on amount of tariff difference. Hence, Forum bound to stick with the order of GERC and APTEL.

ORDER

6.0 The Forum has come to the conclusion that the order issued by CRC, Baroda City Circle, Vadodara, vide letter No.BCC/T.1/CGRF/Gotri/4160 dated 29.07.2019 is in order in respect of The President, Yash Complex Co.op Housing Service Society Limited, Yash Complex, Near Metro Society, Gotri Road, Vadodara.


(M T Sangada)
Technical Member


(A G Shaikh)
Independent Member

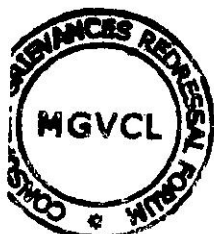

(Smt Mala Y Shah)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. The Office address of the Ombudsman is : The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.

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.



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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>

