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-18-2019-20
Complainant	M/s. Jalaram Quarry Works, At & Post: Othwad Tal: Balasinor, Dist: Godhra
Respondent	Shri S K Desai, Executive Engineer, Nadiad division 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 dated 26.09.2019 regarding suomotu estimate amounting to Rs.7,83,600/- issued for 90 KVA excess demand during 2018-19 & to cancel suomotu estimate as excess demand is controlled then after below actual contract demand of 400 KVA for his HT connection bearing consumer No.15266.

1.0 On 19.12.2019, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Indravan R Patel, appeared on behalf of complainant M/s. Jalaram Quarry Works, At & Post: Othwad, Tal: Balasinor, Dist: Godhra whereas Shri S K Desai, Executive Engineer, Nadiad division 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 The complainant M/s. Jalaram Quarry Works is having HT connection bearing consumer No.15266, having contract demand of 400 KVA located at At & Post: Othwad, Tal: Balasinor, Dist: Godhra, under Balasinor II s/dn.

2.2 As the maximum demand recorded during Dec 18 (493 KVA), Jan-19 (481 KVA), Feb 19 (483 KVA), March (504 KVA), found more than 5% of contract demand i.e. 400 KVA. Notice vide letter No.NOD/HT Notice/Excess drawl/ 1482 dated 28.03.2019 for excess demand during FY 2018-19 was issued and accordingly, suomotu estimate of Rs.7,83,600/- was issued by SE (O&M) MGVCL Nadiad on vide No.NC/T1/HT/3842 dated 20.07.2019 as per clause No.4.95 of Supply Code 2015.

2.3 Aggrieved by suomotu estimate as shown in Point No.2.2 above, consumer approached CGRF Vadodara to give relief from suomotu estimate as after March 2019, demand was not exceeded beyond contract demand of 400 KVA.

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

3.0 The complainant has represented the case as under:

3.1 He contended that due to fault in electrical equipment (motor) actual demand of his connection was shoot up beyond permission limit but after repairing of electrical equipments same is not exceeded i.e. from April 2019 till date after receipt of MGVCL's letter dtd.28.03.2019.

3.2 He also requested to give one time relief as it costs huge amount to pay during recession period.

4.0 The respondent has represented the case as under:

4.1 Shri S K Desai, Executive Engineer, Nadiad division, contended that actions are taken as per clause No.4.95 of Supply Code 2015 for issuing estimate as contract demand was exceeded four times & more than 5% during the year 2018-19.

4.2 The HT estimate is debited in the consumer account as same was not paid in time.

4.3 Non-payment of suomotu estimate leads to disconnection of power supply but as per directives of corporate office, same is reconnected.

5.0 The Forum Members present at the hearing have gone through the written submissions made by both the parties and considered contention of both the parties and perused the records which are available, following findings are made, as under:

5.1 From the records, notice dated 28.03.2019 has been served to the complainant showing month-wise details of the maximum demand recorded in excess of contract demand for more than 5% during FY 2018-19 i.e. Dec 18 (493 KVA), Jan-19 (481 KVA), Feb 19 (483 KVA), March (504 KVA) and it was mentioned in the notice to apply for HT supply as per clause No.4.95 of Supply Code 2015.

Consumer did not come up to make payment or to apply for HT connection and hence suomotu procedure started and HT estimate of Rs.7,83,600/- was served to avail additional load of 90 KVA as per clause No.4.95 of GERC's Supply Code 2015 *"..In case of HT, EHT and Demand Based LT connections, if the maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during last financial year, the licensee shall issue a 30-day notice to the consumer for submitting an application form for enhancement of load. If there is no response from the consumer by the end of the notice period, the licensee shall start the procedure for enhancing the consumer's contract demand to the average of four recordings of maximum demand shown by the consumer's MDI meter in the last financial year...."*. In turn of it, consumer approached at CGRF Corporate level.

5.2 It is mandatory as per Clause No. 4.95 of Supply Code,2015 to observe actual demand to be recorded within permissible limit of 5% of its contracted demand and in violation of the same for four times in the financial years to issue 30 days notice for submission of application form

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL

for enhancement of load. In this case complainant has not observed his contracted demand within permissible limit of 5% and even after receipt of final notice dated 28.03.2019, he had not applied for enhancement of load.

ORDER

The Forum Members present at the hearing considered contentions of both the parties and has come to the conclusion that ~~the~~ in the case of excess maximum demand recorded in the FY 2018-19, appellant's request to give relief to avail additional load of 90 KVA cannot be considered and has to avail additional load for his HT connection bearing consumer No.15266 by paying HT estimate issued of Rs.7,83,600/- as per clause No.4.95 of GERC Supply Code 2015.

Also, respondent Executive Engineer (O&M) MGVCL Nadiad (Rural) is directed to follow the content of clause No.4.95 of Supply Code 2015 as per prevailing rules in respect of complainant M/s. Jalaram Quarry Works, At & Post: Othwad, Tal: Balasinor, Dist: Godhra.

(M T Sangada)	*(A G Shaikh)*	*(Smt Mala Y Shah)*
Technical Member	*Independent Member*	*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.
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

CONSUMER GRIEVANCES REDRESSAL FORUM MGVCL