

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 2ND FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No.MG-II-25-09.10
Complainant	Kheda Anand Jilla Cinema Owners' Association C/o Shreyas Cinema, Behind Railway Station, Anand
Respondent	Shri J N Patel, EE Nadiad City dn., MGVCL
Date of hearing	16/09/2009

QUORUM	NAME
Chairman	Shri S A Pota, MGVCL
Member	Shri K R Shah, MGVCL
Independent Member	Dr R C Desai, Vadodara
Convener	Shri P L Mistry, MGVCL

This joint complaint dated 31.08.09 is directed against the supplementary bills of Rs.1,66,429.94, Rs.1,11,931.41, Rs.8,69,968.00, Rs.57,998.84 and Rs.33,044=22 dated 20.06.08 issued by the MGVCL as per audit report to recover difference between LFD-I and LTP-I tariff from 2002 onwards.

Today on 16/09/2009, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Surendra Desai, President and Shri R K Patel, Member, appeared on behalf of Kheda Anand Jilla Cinema Owners' Association, whereas Shri Shri J N Patel, EE Nadiad City dn., appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows. The Association represents the aforesaid five members running Cinema Theatres. The electrical connection to these theatres were released by the erstwhile GEB under LTP-I industrial tariff. As per the prevalent conditions of supply and tariff of MGVCL, Cinema houses have to be considered under commercial tariff LFD-II. Still, however, the regular bills were being issued under LTP-I tariff. The audit department noticed this irregularity and recommended recovery of arrears for the bills issued in the past. The MGVCL therefore issued bills for arrears since 2002 to the five cinema owners for aforesaid amounts. Aggrieved by this recovery, the association of the owners has represented before this Forum.

The representatives Shri R K Patel and Shri Surendra Desai of the Association contended that they should have been served notice for conversion of tariff from LTP-I to LFD-II. They had represented their case

before the concerned officers of MGVCL but without any result. They all have agreed to pay bills as per the LFD-II tariff, but they are not in agreement to pay arrears due to difference in tariff since 2002. Finally, they urged to grant relief in the arrears bill in accordance with rules and regulations of GERC. He further stated that they have been paying regular bills since June 2008 on the basis of LFD-II tariff.

The Respondent Shri J N Patel, EE MGVCL contended that they have issued the bills of arrears since 2002 on the basis of audit report for considering cinema houses under commercial category (LFD-II) instead of industrial tariff (LTP-I). Hence, the arrears bills are issued considering difference between LFD-II and LTP-I tariff since 2002.

The Forum Members present at the hearing considered contention of both the parties and perused the records. There is no doubt that the cinema houses have to be considered under commercial LFD-II tariff as per prevalent condition of supply and tariff of MGVCL and which the association members also accept. However, the period of collecting arrears is challenged by the association taking support of GERC regulations. We have perused the clause No.6.4.8 of GERC Notification No.11 of 2005 which is reproduced hereunder:

Clause No.6.4.8:

The Distribution Licensee shall not be eligible for recovery of the dues from the consumer after a period of two years from the date when such amount becomes first due, if such dues are not shown as arrears continuously for a period of two years from the due date. The failure on the part of the Distribution Licensee to show such arrears continuously for a period of two years as arrears shall not entitle the Distribution Licensee to effect the disconnection of supply to the concerned consumer.

This regulation clearly shows that the arrears can be recovered for a period of two years from the first notice date. Here, the date of notice is the arrears bill dated 20.06.08. Therefore, the recovery of arrears could be only between 20.06.2006 to 20.06.2008.

In view of the above discussion, the Forum is of the opinion that the supplementary bill issued to the complainant be revised considering the period of two years from 20.06.2006 to 20.06.2008.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to revise the amount of supplementary arrears bills for difference between LFD-II and LTP-I tariffs of five cinema owners of the association considering the recovery period from 20.06.2006 to 20.06.2008.

(K R Shah)
Member

(Dr R C Desai)
Independent Member

(S A Pota)
Chairman

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach the Ombudsman, Gujarat Electricity Regulatory Commission, 1st floor, Neptune Tower, OPP: Nehru Bridge, Ashram Road, Ahmedabad 380 009 in accordance with Chapter-5, Clause No.13 of GERC Notification No.4 of 2005.