

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-102-2011.12
Complainant	The Director of M/s. Kothi Steels Limited at village Chikhodra, Vejalpur Road, Tal: Godhra, Dist : Panchmahals.
Respondent	Forum Members
Date of hearing	13.12.2013 at Vadodara

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

The complaint dated 23.09.2013 for review of Forum order dated 07-09-2013 under section 2.62 (2) of GERC, CGRF Regulations 2011, Notification no. 2 of 2011 for consumer No.41031. Reviewed application received is without any further additional supporting documents or details. However, Forum has called the complainant for hearing on 13.12.2013 at Vadodara for redressal his grievances.

During hearing the complainant has requested to be review following points in reference to the Forum order No.MGVCL:Regu:Forum:577 dated 04.09.2013:

- It is mentioned that on detailed study of MRI data, it is seen in TOD MD register that the KVA MD value exceeds on 18.11.2011 at 20.00 hours. Accordingly, the KVA demand shall not exceed 15% of 17000 KVA i.e. i.e. 2500 KVA and the total unit consumption should not exceed 10% of 1,36,0000 i.e. 13600 KWH whereas in table, total consumed units during eligible period are shown 123960 in column No.5 and so 10% of total eligible units are 12396 units.
- The base of one day is considered for calculating 10% of the total units consumed and 15% of Contract Demand as allowable limit for the HTP-IV consumers. Whereas as per tariff 10% of total units consumed during the month is to be considered for billing.
- Decision of High Court of Bihar is to be considered.
- To provide notification and rules & regulations under which Energy bill issued to M/s. Vrajeshwari Steels Limited for violation of tariff was revised.

The Forum Members present at the hearing considered the contention of complainant and perused the records and observations are as under:

- There is a typographical error in mentioning units in order in last line of last para on page No.9. Units mentioned in table on page No.12 are correct. So actual units consumed during eligible units are 123960 and 10% of total eligible units are 12396 units.

- II. 10% of the one day consumption as allowable limit for the HTP-IV consumers considered by Forum is as per tariff.
- III. Patna High Court order AIR 1990 Patna 146 rendered by full bench of high court regarding interpretation of the word “And”, ‘Taking thus all aspects of the matter into consideration, it must be held that the word “and” used in Section 2(i)(w) of the Bihar Agricultural Produce Market Act(16 of 1960) must be read conjunctively and not distinctively’. As it is regarding Bihar Agricultural Produce Market Act(16 of 1960), not applicable in the context of the tariff structure as per GERC.
- IV. In case of M/s. Vrajeshwari Steels Limited, since the unit had yet come into operation and at the initial stage the violation had occurred. Being the first instance for a newly commissioned industry the matter was considered as a special case.

During the hearing, the complainant has not submitted any additional information or data which can be considered for review of order except the error in units mentioned at page no.9 of order 04.09.2013.

ORDER

The Forum directs the complainant M/s. Kothi Steels Limited at village Chikhodra, Vejalpur Road, Tal: Godhra, Dist : Panchmahals, that order issued by Consumer Grievances Redressal Forum vide order No. MGVCL:Regu:Forum:577 dated 04.09.2013, Vadodara, is in order.

(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>