

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM  
MADHYA GUJARAT VIJ CO LIMITED  
CORPORATE OFFICE, 5<sup>TH</sup> FLOOR SP VIDYUT BHAVAN,  
RACECOURSE, VADODARA 390 007**

|                 |                                                                                                                                 |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------|
| Subject         | Consumer Grievances Complaint<br>No.MG-IV-131-2012.13                                                                           |
| Complainant     | Shri D N Soni & Shri A K Maheshwari, of M/s. Nirma Limited, Detergent Complex, At village Alindra, Tal: Savli, Dist : Vadodara. |
| Respondent      | Shri J R Shah, Dy. Engineer Baroda D/n of MGVCL                                                                                 |
| Date of hearing | 19.03.2013 at Corporate Office, Vadodara.                                                                                       |

| QUORUM             | NAME                        |
|--------------------|-----------------------------|
| Chairperson        | Shri P J Patel, Gandhinagar |
| Independent Member | Shri M J Vaidya, Vadodara   |

The complaint dated 01.03.2013 regarding cancellation of recovery of Rs.22,95,450.55/ towards correction factor.

On 19.03.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri D N Soni & Shri A K Maheshwari,, appeared both himself on behalf of M/s. Nirma Limited,, whereas Shri J R Shah, Deputy Engineer of Baroda(O&M) D.O. appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. The complainant has consumer No.13240
2. Complaint regarding refund of Rs.22,95,450.55/ paid for November 2012 bill on account of recovery for correction factor for period of Oct 2010 to July 2011.

The representative of the complainant contended that every incidence of interface with MGVCL is mentioned in their letter dated 11.02.2013, elucidating every occasion regarding replacement of CT/PT along with

correspondence. They were totally unaware of the said practice of installing 0.2 class CT/PT. Even letter of 2<sup>nd</sup> Feb 2011 of MGVCL is silent about time limit for such provision and penalty thereof. Only letter No.1938 dated 10.02.2011 was explicit and given correct directive of the due date as 05.08.2011 & application of 0.75% correction factor. Despite the fact that 0.2 class CTPT was provided in Dec 2011, penalty of correction factor was charged from Oct'2010 to July'2011 which is totally wrong, against the rule, which must be refunded to them.

The respondent Shri J R Shah, Deputy Engineer of Baroda(O&M) D.O.,MGVCL contended that complainant is EHV consumer of company supposed to be acquaint with all new legislation/ notifications of regulatory commission. It is not obligatory on the part of company to intimate every regulatory notification & amendments individually every time. Also complainant was in continuous touch with the company as per their submission dtd.11.02.2013. It is not acceptable that complainant was not aware about such changes to be made in metering system. Even while giving approval for replacement of 132 KV EMPT vide letter No.CE/MGVCL/EHT/PT/2567 dated 11.06.2008 they were allowed to procure PT of class 0.5 against failure of PT with the condition to procure new 132 KV PT with latest specification having accuracy class of 0.2 within four months from the date of issuance of the above letter which was not fulfilled by them. For convenience of the consumer, copy of the document describing procedure for procurement, testing and commissioning of 132 KV PT was given along with above stop gap permission and instruction letter. A consumer has to take appropriate actions in time. Pertinent CEA (installation and operation of meter) regulation had come into effect way back in 2006. Gujarat Electricity Regulatory Commission (GERC) had issued order in 2009 for its implementation in reference to pending petition. GUVNL had issued further clarification to all DISCOMs vide L.No.289 dtd.10.02.2010, allowing further six months for change in CT/PT. In spite of the fact that matter was due in Aug'10, recovery was made effective from Oct'10

only. As said recovery is against the less recording of consumption/demand due to lower accuracy class 0.5 CTPT installed. Complainant can't deny to accept such recovery on the base of non receipt of any notice/intimation. As the said matter involves technical implications with subsequent revenue effect, it was applicable to all the similarly placed consumers and hence all such consumers have to compensate to derive at actual consumption/demand. Hence recovery made is in order.

The Forum Members present at the hearing considered contention of both the parties and perused the records and spell out that as a law of land, regulatory commission's orders are not only applicable for company officials but it is for all stakeholders of the company and for general public. Such regulations become effective from the date of publication or as specified otherwise. Respondent's argument regarding pertinent CEA (Installation and operation of meters) regulation of 2006, made effective from Oct,2010 itself is indication of quite sufficient time was given to the consumers. Hence complainant's argument for wrongful recovery from Oct'2010 to July'2011 is inappropriate. Complainant's non-compliance is observed hence recovery for correction factor is made in the bill of November 2012, is as per the commission's order. The applicability of correction factor issue is also discussed in length in the order issued by GERC against petition No.960 of 2009.

In view of the above discussion, the Forum is of the opinion that as per Central Electricity Authority (Installation and operation of meter) regulation 2006 which clearly states that EHV consumer has to provide 0.2S accuracy class meters and CT/PT shall not be inferior to that of associated meters. In case of non-compliance of same, it is liable for 0.75% correction factor for consumption & for demand. Accordingly, recovery made for Oct 2010 to July 2011 is in order.

## **ORDER**

The Forum directs the Madhya Gujarat Vij Co Limited that the amount recovered from M/s. Nirma Limited, Detergent Complex, At village Alindra, Tal: Savli, Dist : Vadodara, is as per CEA Metering Regulations 2006 in force and subsequent clarifications of GERC & GUVNL.

**(M J Vaidya)**  
**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>