

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-II-09-2019-20
Complainant	Priti B Gandhi, Basuri, G-2, Vedant Platina, Next to Essar Petrol Pump, Atladra Padra Road, Atladra, Dist: Vadodara
Respondent	Shri Nasikkar, Deputy Engineer, Akota s/dn of MGVCL
Date of hearing	14.08.2019 at Corp Office Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Smt S H Parekh, (RA&C) MGVCL Vadodara

The complaint dated 19.06.19 recd on 20.07.19 regarding refund of excess Electricity Duty (ED) collected for Hotel / Restaurant, bearing con No.15518/10970/9

1.0 On 14.08.2019, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Anuj Mehta appeared on behalf of complainant Priti B Gandhi of Hotel Basuri, G-2, Vedant Platina, Next to Essar Petrol Pump, Atladra Padra Road, Atladra, Dist: Vadodara, whereas Shri Nasikkar, Deputy Engineer, Akota s/dn 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 Complainant had applied for reduction of E D in electric connection given for Hotel (Basuri) situated at G-2, Vedant Platina, Next to Essar Petrol Pump, Atladra Padra Road, Atladra, Dist: Vadodara, bearing con No.15518/10970/9 with contract demand of 40 KW under NRG P Tariff considering GoG Notification No.GHU/2016/32/ELD/12-2016/384/E dated 30.03.2016 & MGVCL Accounts Circular No.MGVCL/Acctts/K-1036 dated 25.07. 2016 for Hotels / Restaurants.

2.2 The said connection was given in the name of Shri Vijaybhai D Patel, owner of property.



- 2.3 Complainant had submitted only copy of Food & Drug License with application.
- 2.4 Deputy Engineer Akota s/dn had written a letter No.6050 dated 04.10.2016 to complainant to submit documents related to legal possession of the said property as the connection was not in the name of Hotel/Restaurant owner / partner.
- 2.5 Due non submission of required documents, party's application was not processed.
- 2.6 Once again complainant had given applications dated 01.01.19 & 15.04.19 to Deputy Engineer, Akota s/dn stating that even after lapse of almost 2 ½ years of their application dated 03.09.16, benefit of reduced ED is not given.
- 2.7 DE Akota s/dn had replied in person stating that "due to non submission of required documents as per letter issued vide No.6050 dated 04.10.2016, application for ED is not being processed". As the said letter was not received by complainant, copy of the same was given on dated 08.06.19.
- 3.0 The representative of the complainant contended that :
- 3.1 Complainant had applied to avail E D reduction relief on dated 03.09.2016 in electric connection given for Hotel (Basuri) situated at G-2, Vedant Platina, Next to Essar Petrol Pump, Atladra Padra Road, Atladra, Dist: Vadodara, bearing con No.15518/10970/9 with contract demand of 40 KW under NRGTP Tariff considering GoG Noti No.GHU/2016/32/ELD/12-2016/384/E dated 30.03.2016 & MGVCL Accounts Circular No.MGVCL/Acctts/K-1036 dated 25.07. 2016 for Hotels / Restaurants.
- 3.2 As letter issued by DE Akota s/dn vide No.6050 dated 04.10.2016 was not received hence they had once again applied on dated 01.01.19 & 15.04.19 but they have not get benefit of reduced ED till date.
- 3.3 Also, letter mentioned in 3.2 above is not received in time but copy of same is submitted in person on 08.06.2019.
- 3.4 During hearing, they have shown franchisee deed with "Subway" & lease deed with owner of the property.
- 3.5 Due to non-availment of ED reduction relief as per GoG Notification, they are forced to raise grievance in CGRF for natural justice.



4.0 The respondent contended that

4.1 Due non submission of required documents, party's application was not processed.

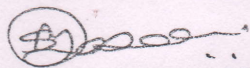
4.2 Also, party has not submitted relevant documents with their applications dated 01.01.19 & 15.04.19, effect of reduced ED is not given.

5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that Akota s/dn of MGVL has issued letter vide No. 6050 dated 04.10.2016 for submission of required documents but due to non compliance by applicant they have not given relief in ED. Also, it seems that as party has not received such letter at their postal address they could not submit the required documents.

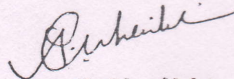
ORDER

6.0 The Forum has come to the conclusion that the case may be remanded back to lower authority of respondent MGVL for once again taking all the required documents such as 1) copy of electricity bill 2) franchisee deed with "Subway" for entire tenure 3) lease-deed of property with entire tenure 4) Valid copies of Food & Drug license, 5) Copy of tax receipt 6) partnership deed if any etc to ascertain the correctness from the complainant Priti B Gandhi, Basuri, G-2, Vedant Platina, Next to Essar Petrol Pump, Atladra Padra Road, Atladra, Dist: Vadodara for taking decision accordingly.

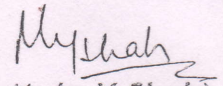
It is also directed to respondent MGVL to finalize the case considering the contents given in MGVL Accounts Circular No.MGVL/Accts/K-1036 dated 25.07. 2016 for Hotels / Restaurants.



(Smt S H Parekh)
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.
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/Consumer%20Grievances/Procedure/Procedure.pdf>



Thanking You,

Yours Sincerely,
For & on Behalf of CGRF

Sanjiv Parkhi
Convener

Enclosed with order to:

STA to MD MGVCCL Corp Office, Vadodra

C.E. (Proj) MGVCCL Corp Office, Vadodra

2019/18

SE QCM MGVCCL - CO Vadodra

DE TQM MGVCCL 90 VISHW DPM, Dombivli

D-E MGVCCL Akota s/o

He is requested to submit Action Taken Report within 7 days from the date of issue of this letter