

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-IV-29-2019-20
Complainant	M/s. Pramukh Metal Quarry Works, At : Jambugoral, Tal: Savli, Dist: Vadodara
Respondent	Shri Rakesh B Amin, Deputy Engineer of Desar s/dn of MGVCL
Date of hearing	09.06.2020 at Corporate Office, Vadodara (No Hearing in April & May due to lockdown from 25/03/2020 to 31/05/2020)

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 11.03.2020 recd on 17.03.2020 regarding (1) wrongly charged supplementary bill of HTP-I tariff against LTMD tariff & refund thereof (2) correcting the erroneous LTMD bills served during 2016-17 & 2017-18 (3) ascertaining the correctness of static meter (4) final bill in respect of said connection & refund of excess charged amount.

1.0 On 09.06.2020 (No Hearing in April & May due to lockdown from 25/03/2020 to 31/05/2020), the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Bharatbhai B Pithiya & Shri G R Darji, appeared on behalf of complainant M/s. Pramukh Metal Quarry Works whereas Shri Rakesh B Amin, Deputy Engineer of Desar 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 The complainant was having LTMD connection bearing consumer No.09103/00437/6 having contract demand of 99 KW situated at Jambugoral, Tal: Savli, Dist: Vadodara.

2.2 The contract demand of the said connection had been crossed beyond permissible limit of 5% during the year 2016-17 and on account of audit para for period April 2016 to November 2016, the supplementary bill of Rs.7,02,663.89 was issued under HTP-I tariff in line with MGVCL Circular No.75 dated 01.04.2016 and same was paid on 15.03.2018.



- 2.3 Circular No.75 was turned out by Electricity Ombudsman and accordingly such types of supplementary bills were waived and credit was given to prospective consumers.
- 2.4 Complainant was given estimate of Rs.9,29,945/- to avail HT connection under suomotu in consideration of Section 4.95 of GERC Supply Code 2015 and same was paid on 15.03.2018.
- 2.5 The said LTMD connection was converted to 160 KVA under HTP-I tariff on 24.08.2018. Also, further additional load of 155 KVA (total load of 315 KVA) was released on 28.08.2019.
- 3.0 The representative of the complainant contended that -

3.1 Wrongly charged supplementary bill of HTP-1 tariff against LTMD tariff and refund of same.

They had been served the supplementary bill on basis of Circular No. 75 of 1/4/2016 for the period April 2016 to November 2016 by applying HTP-1 tariff for LTMD connection. The supplementary bill for difference of LTMD and HTP-1 tariff Rs.7,02,663.89 was issued on 28/07/2017. Same was paid on 15/3/2018 by cheque No. 480192 of SBI at Desar S/Dn office along with estimate. Against this bill, they represented vide their application dated with a copy to Division, Circle and Hon Commission. They further get it represented jointly through their adviser and in response to it CE, MGVCV Vadodara replied vide letter No. MGVCV/ R&C/ GERC/GRD-Yash/27 Dated 21/9/2019 that Circular No.75 is turned down by Ombudsman and MGVCV has waived such bills and credit is already given / under process. It is replied that bill is credited in your account. But up till now they have not received any credit entry in any of bills after payment of same. It is therefore requested to refund the amount with interest at rate of DPC.

3.2 Correctness of the Estimates

They had been served an estimate for 160 KVA under suomotu in consideration of section 4.95 of Regulation of Supply Code 2015. The estimate is served as if they are new consumer to MGVCV. In fact section 4.95 is for regularization of existing contact demand for the consumer who has excessively drawn power more than 4 times in financial year. Thus in the system they are having LT load of 99 KW equivalent to 110 KVA, which is more than Minimum requirement of HT connection of 100 KVA. Hence enhancement charges and estimate is limited to 50KVA only.

They represented their case to SE Circle office vide letter dated 26/1/2018. They further get it represented jointly through their adviser, and in response to it CE, MGVCV, Vadodara replied vide letter No. MGVCV/ R&C/ GERC/GRDYash/27 Dated 21/9/2019. They do not find it in line with regulation so far as registration charges, prorated charges of GETCO' likewise the SD is worked out the consumption is considered about 70% of CD against 60% of CD for non continuous process industries as per Security Deposit Regulation of 2005. They have paid estimated amount Rs.9,29,945/- on 15/3/2018 by cheque No. 480192 of SBI at Desar S/Dn. office. Hence it is requested to precisely work out the estimate in line of



regulation. It is therefore requested to refund the excess amount paid with interest at rate of DPC.

3.3 Final bills in respect of estimates paid and copy of Agreement

Their HT connection was released on 24/8/2018 for 160 KVA Contract demand and additional 155 KVA raising the contract demand 315 KVA on 28/7/2019. They had requested vide letter dated 18/11/2019 to give copy of final bill with details of material used, supervision charges etc as per Section 7(iv) to 7 (vii) Regulations for Licensee's Power to recover Expenditure incurred in providing supply and other Miscellaneous Charges Notification 9 of 2005 dated 31/3/2005 for giving final bill against estimate paid and copy of Agreement but they still not received the same.

3.4 Refund of wrong billed of LTMD bills.

They carry out the checks on their bills served under LTMD tariff as LT connection. They found that there were error in few bills for the period April 2016 to March 2017 total excess billed amount arrives Rs.26,681/ and bills for the period April 2017 to March 2018 total excess billed amount arrives Rs 1,03,057.36. It is therefore requested to get it verified and refund the excess amount paid with interest at rate of DPC

3.5 Erratic working of Meter and charging more.

They had requested vide letter 18/11/2019 about Correctness of Meter and errors in HTP-1 Monthly Bills in respect of Consumer No.14257 to Executive Engineer (O&M). KWH and KVARh are recordable parameters, but KVA is derived parameter. Thus, KVAh seems to be erratic in recording by Meter and as a result the correct Power factor and KVA are not derived, hence we are charged more than actual KVA and PF. It is therefore requested to justify the correctness of existing meter.

4.0 The respondent contended that -

4.1 Wrongly charged supplementary bill of HTP-1 tariff against LTMD tariff and refund of same:

Actually, credit of Rs.6.31 lacs were already given in complainant's LTMD account / consumer No. 09103/00437/6 (which was shown to complainant during hearing). But as connection was made PDC it could not be reflected in HTP-I account.

4.2 Correctness of the Estimates:

As voltage class level is changed from 440 volts to 11 KV, the criteria for calculation of estimate is considered under HTP-I tariff. For that, clarification was already given by MGVCCL corporate office vide letter No. MGVCCL/ R&C/ GERC/GRDYash/27 Dated 21/9/2019.

4.3 Final bill in respect of estimate paid and copy of Agreement

As the estimate was prepared for group of applicants under suomotu, inventory was taken after completion of work for all the consumers. The



final bill proposal is already sent to division office and it will be finalized in due course. If copy of agreement is not given it may be collected from circle office.

4.4 Refund of wrong billed of LTMD bills.

Looking to the ledger sheets for the period narrated in 3.4 above it seems that there is no any error in LTMD bills. Even though it will be verified and will be conveyed to complainant.

4.5 Erratic working of Meter and charging more.

The HT connection was released for 155 KVA demand on dated 24.08.2018 whereas additional load was released on 28.08.2019 and at both the occasions meter was tested in presence of consumer and meter found working in order. Even then, the said meter will be tested in presence of consumer in due course.

5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and considering them in detail, findings are as under:

- 5.1 Credit of supplementary bill amount was given in LTMD account but not in regular HT account which create grievance.
- 5.2 Estimate for HTP-I connection under suomotu procedure is given as per prevailing rules considering change in supply voltage level.
- 5.3 Final bill is still under process and copy of agreement is not given to consumer.
- 5.4 Looking to the ledger sheet, LTMD bills issued during the period of 2016-17 & 2017-18 found in order.
- 5.5 Static meter installed at above mentioned HT installation is checked in August 2019 and working was found in order.

ORDER

6.0 The Forum members directed respondent MGVCCL to comply following points to M/s. Pramukh Metal Quarry Works, At : Jambugoral, Tal: Savli, Dist: Vadodara:-

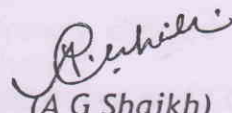
- 6.1 amount of supplementary bill may be refunded immediately on receipt of this order
- 6.2 finalization of HT bill may be completed and inform to complainant regarding the same
- 6.3 Copy of agreement may be issued and



6.4 HT meter installed at consumer's installation may be tested within a week time in presence of consumer and if consumer does not satisfy with the result of testing he may be allowed for third party inspection as per GERC Notification No.4 of 2015 (for Electricity Supply Code & Related Matters Regulations) & clause No.6.37 which is reproduced as under:

If a consumer disputes the reasons of testing, the meter shall be tested at third party testing facility selected by the consumer from the list of third party testing facility approved by the Commission on the payment of testing fee.


(M T Sangada)
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

