

**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-49-2013.14
Complainant	Shree Associates, “Shyamola Heights”, near Jognimata’s Mandir, Anand Lambhvel Road, Anand
Respondent	Shri H L Bhalsod, Deputy Engineer, V V nagar S/dn of MGVCL.
Date of hearing	02.08.2013 Anand Circle Office

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri Y B Sukhadia, MGVCL

The complaint dated 13.07.2013 regarding refund of line and transformer charges.

On 02.08.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri M A Patel appeared on behalf of Shree Associates, whereas Shri H L Bhalsod, Deputy Engineer, VVnagar S/dn 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 is having business of building construction in the name of Shree Associates and he has constructed “Shyamola Hights”.
2. They have built up 60 Nos. of Flats at “Shyamola Hights”.
3. The complainant had applied vij connection for 60 Nos. of Flats 3 Nos. of Lifts and 1 no. water works with total load of 75.75 KW.
4. Estimate of Rs.2,81,171.00 paid on dtd.13.03.2013 as infrastructure charges.
5. Thereafter, applied for residential connection for 59 nos flats with 2 KW load per flat. The developer himself has asked for these connections.
6. Estimate based on fixed charges per connection were served by sub-division.
7. The complainant has objected considering this being duplication of charges.
8. The complainant has also objected for line charges and transformer charges as this being contrary to GERC Notification No 9 of 2005.
9. Requested to refund the duplicate charge recovered.

The complainant contended that he is having business of building construction work and they have constructed 60 nos of residential flats. While contacting concerned sub D/n for electrification and as per recommendation applied for infrastructure development for 60 Nos. of Flats, 3 Nos. of Lifts and 1 no. water works with total load of 75.75 KW. The estimate issued for Rs.2,81,171.00 was paid on dtd.13.03.2013 towards infrastructure charges. After construction of all flats, they had applied for vij connection for 59 flats on their name. The Sub/dn has issued estimate based on fixed charges for each flat. As Line charge and transformer charges are already recovered in infrastructure estimate, this is duplicate charge and is contrary to GERC Notification No 9 of 2005 and also GUVNL Circular No.GUVNL/TECH/D(T)/SC/1067 dtd. 11.5.2011. Request to refund either of two estimates.

The respondent contended that the complainant had applied under infrastructure scheme for 60 Nos. of Flats, 3 Nos. of lifts and 1 no water works with total load of 75.75 KW and they have paid Rs.2,81,171.00 on dtd.13.03.2013 for infrastructure charges. Infrastructure work including HT line and T/C etc completed. There after applied for connection of each Flat. As per GUVNL Circular No. GUVNL/TECH/D(T)/SC/1067 dtd. 11.5.2011 fix charges estimate has been served for service connection charges per flat. As such there is no duplicate charge recovered.

The respondent also contended that the infrastructure charges are recovered for healthy electric power supply and also for esthetic view of the well developed scheme. A systematic and safe network is required to be erected instead of erecting line as per individual application and different load applied and without any planning in haphazard manner. The developer should pay the charges for such systematic network as they are already collecting charges from the purchaser for development of electric infrastructure. It is not a question of collecting money from such developers by the MGVCL but it is the moto to provide systematic and safe network with esthetic view which is to take care for total estimated load required for the entire scheme and to provide quality and reliable power supply with minimum maintenance required in future. On the other hand, the lines will be erected to the extent of individual load demand only, if not applied for infrastructure development.

The Forum Members present at the hearing considered contention of both the parties and perused the records. The GERC notification No.9 of 2005 chapter 4 exempts HT line and T/C charges for residential connection. As per GUVNL letter dated 30.12.2010, only fixed charges are to be recovered for residential vij connection. In reference to that GUVNL circular No.GUVNL: Tech:D(T):1067 dated 11.05.2011 clarified charges for infrastructure development and individual residential vij connection demand. It is reproduced as under.

“in case of infrastructure development if developer has asked only for electrification and not for any new connection then full cost of electrification shall be recovered from the developer and charges mentioned above shall be recovered from the subsequent applicants

from such developed network. However, in case individual applicants apply for new connection(s) the charges mentioned above shall be recovered and no any charge for electrification be recovered and only electrification to the extent of releasing connection be carried out”.

In instant case, the developer has paid for infrastructure development and subsequently developer himself demanded for LT vij connection to each flat. LT connection for residential purpose, only fixed charges to be recovered as per load applied by the applicant. However, in the case of infrastructure development as in instant case of society/group of residential house developed by developer, the circular No.GUVNL/Tech/D(T)/SC/1067 dated 11.5.11 states that “*in case of infrastructure development if developer has asked only for electrification and not for any new connection then full cost of electrification shall be recovered from the developer and charges mentioned above shall be recovered from the subsequent applicants from such developed network. However, in case individual applicants apply for new connection(s) the charges mentioned above shall be recovered and no any charge for electrification be recovered and only electrification to the extent of releasing connection be carried out”.*

The Forum also noted that in absence of actual consumer and their individual demand, the utility cannot lay HT/LT infrastructure in advance for total load demand which is cost effective and uncertain revenue period. It is better for the developer and future residents to have a good infrastructure and quick release of individual connections. The infrastructure does not include LT service line and metering unit for individual consumer. For that fixed charges as per tariff schedule is applicable. The developer may take such factors into consideration for better services to their clients. The utility MGVL cannot deny to give connection to individual resident-applicant if he/she demand.

In view of the above discussion, the Forum is of the opinion that charges paid by M/s Shree Associates for infrastructure and fixed charges per flat are different charges and not to be termed as duplicate charges.

O R D E R

The Forum directs Shree Associates, “Shyamola Heights”, Anand to convey individual applicants accordingly. The charges recovered by Madhya Gujarat Vij Company Limited as Infrastructure Development charges and Fixed charges for individual flat are in order as per GUVNL circular No. GUVNL/Tech/D(T)/SC/1067 dated 11.5.2011.

(Y B Sukhadia)
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>