

**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-I-2-2013.14
Complainant	Shree Laxmi Pulse Rice & Flour Mills, PB No.75, Chakalia Road, Dahod
Respondent	Shri S L Varma, Deputy Engineer, of Dahod Town s/dn of MGVCL.
Date of hearing	12.04.2013 at Circle Office, Godhra.

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Technical Member	Shri Y B Sukhadia, MGVCL

The complaint dated 01.04.2013 regarding non release of additional load of 175 KVA and legality of the estimate containing the cable charges and pro-rata charges and the credit given for the cost of the existing overhead line.

On 12.04.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Kishanchand H Shah Partner of Shree Laxmi Pulse Rice & Flour Mills, Dahod, appeared himself, whereas Shri S L Varma, Deputy Engineer, of Dahod Town s/dn of MGVCL appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The complainant contended that :

1. He is HT Consumer having contract demand of 475 KVA
2. They applied for additional load of 175 KVA on 25.9.2012.
3. The estimate was issued for Rs.3,70,765.00by MGVCL on 10.1.2013
4. The complainant represented that the estimate is exorbitant high and requested to revise the same.
5. The revised estimate was issued by MGVCL for Rs.1,15,412.00 on 19.2.2013 which includes credit of existing 11 KV overhead line amounting to Rs.1,09,040.20

6. The revised estimate amount of Rs.1,15,412.00 plus GETCO prorata charges Rs.1,48,750.00 and security deposit Rs.83,197.00 was paid by them on 25.2.13.
7. Though the estimate paid by them, necessary agreement is not being executed by MGVCL to release additional load as demanded.
8. On the contrary, revised estimate amounting to Rs.3,49,502.16 issued by MGVCL on 12.03.2013
9. In all the three estimates, amount of Rs.2,20,502.00, Rs.1,48,750.00 and Rs.83,197.00 is the cost of cable to be laid in place of existing 11KV overhead line, the pro-rata charges and difference of security deposit, is not reasonable and legal.
10. The credit of the cost of existing 11KV overhead line, given under the first revised estimate hold good and valid. The second revised estimate issued for Rs.3,49,502.16 is not legal
11. The action of MGVCL not to release additional load in spite of payment of estimate, recovery of the cost of cable and pro-rata charges, revising the credit of the cost of existing 11KV O/h given earlier and issue of second revised estimate is not proper.

The complainant requested to the Forum to give justice for:

1. Release of additional load
2. Recovery of the cost of laying the cable is not in accordance with law
3. The recovery of pro-rata charges
4. Credit of the cost of existing 11KV overhead line cannot be reduced at the wish and will of the MGVCL
5. Issuance of second revised estimate is not in accordance with law.

The complainant contended that the credit given for the cost of existing 11 KV overhead line in their first revised estimate is correct. Also, the cost of cable, GETCO prorata charges and differential Security Deposit is not reasonable hence requested the Forum to squash the 2nd revised estimate.

The respondent contended that

1. Complainant applied with registration on 01.10.2012 by paying registration charge Rs.1,750/- vide receipt No.958008 dtd 01.10.2012.
2. Corp. office endorsed the application to Division office vide L.No. MGVCL: T:Addl:SR.No.:13114 /776 dtd 03.10.2012.
3. The Original proposal sent to C.O., Godhra vide T.O.L.No.DHD/ O&M/T/6973 dtd 03.11.2012.
4. The existing connection of 475 KVA was released by A.M.Co. (Licensee) before year 1981.
5. The existing metering point of the said connection is about 200 meters inside from the main gate i.e. on the back side of the premises.
6. Earlier the consumer had applied for Addl. load 20 KVA on 30.04.2010. The proposal was framed to bring the metering point near to main gate by proposing 0.220 Km. HT Line on the approach road.
7. At that time the consumer had not paid the given estimate. And hence cancelled vide Corp. L.No.MGVCL:HT:1181 dtd 04.08.2010.
8. Again Party has applied for Addl. 175 KVA on 01.10.2012 and again the same proposal by proposing 0.220 Km HT line was framed and submitted to C.O., Godhra vide T.O.L.No. DHD/O&M/T/6973 dtd 03.11.2012.

9. Corp. office have issued an estimate according to the proposal submitted by Div. office vide L.No.MGVCL:HT:Addl:33 dtd 10.01.2013 amounting of Rs.3,70,765/- for line charges & service conn. Charges, pro-rata charges of Rs.1,48,750/- Plus Rs.83,917/- as difference of Security Deposit.
10. Instead of paying the above estimate, consumer has represented at Corp. office to review the given estimate, by giving connection on open line in their premises instead of laying cable. .
11. After considering the representation of party, the revised estimate was prepared giving credit of existing over head 11KV line on RSJ pole (private line) erected by consumer in his own premises from CTPT DP to consumer's Transformer (0.135 Km) and 0.065 Km over head 11KV line of MGVCL erected from existing tapping to CTPT DP (0.200 kms). The revised estimate was prepared by proposing 0.2 Km 11KV ABC 3c x 95mm² + 80 ABC on 11 meter RSJ pole in the consumer premises. This estimate was issued on 19.02.2013 amounting of Rs.1,15,412/- for Line charges & Service connections charge + Pro-rata charges of Rs.1,48,750/- Plus Rs.83,917/- as difference of security deposit.
12. This estimate has been paid by the consumer vide receipt No.052243, 052244 & 052245 on dtd 25.02.2013.
- 12 (A) In about 1st revised estimate, following discrepancies were came to the notice of the authority.
 - a. Credit given to the existing private line of consumer (0.135 Kms) was wrong.
 - b. Cost of DP structure, AB switch and CTPT DP structure was not considered.
13. The above 1st revised estimate was again revised when the above discrepancies came to the notice of Corporate Office, MGVCL's letter dated 12.03.2013 amounting of Rs.3,49,502/-,. With same amount and same work involved as it was considered in 1st estimate issued vide Corp. office letter

No.MGVCL:HT:Addl:33 dtd. 10.01.2013, only depreciated cost of 65 meters length of MGVCL HT line given credit. The pro rata charges of GETCO and difference of Security Deposit were kept as it was. The above charges are as per GERC Notification No.9 of 2005 Chapter VIII, Clause No.8.2F, wherein it is mentioned that the charges payable in advance for any work which the supplier may undertake for the consumer and which is not included in the forgoing schedule shall be at the actual cost of labour material plus 15% as supervision charges. Accordingly estimate is issued which is subject to final bill for actual work done and actual material used / credited. After final bill, the balance amount, if any, shall be refunded / recovered.

14. To avoid an accident due to 11 KV overhead line in consumer premises, 11KV ABC is proposed on 11 meters RSJ pole. [Numbers of truck are traveling in their premises for loading & unloading of Raw material and finished goods]. The 11KV ABC in place of bare conductor is proposed is in line with GERC Supply code Notification No.11 of 2005, Section-5 Clause No.5.1.4 wherein it is mentioned that in case of High Tension consumers, suitable protective devices shall be used so as to afford full protection to Distribution Licensee's apparatus placed on the consumer's premises.
15. The pro rata charges of GETCO at Rs.850 per KVA are recovered as per GETCO Circular No.(5) dtd 05.11.2007
16. According to GERC clause No.(4.1.4) the way leaves should be provided by consumer and not by Licensee.
17. According to Circular No. (681 dtd.20.08.1998), the metering point should be near to the main gate and the over head HT line should not be erected in consumer premises to avoid an accident.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that for the HT connection, the applicant has to deposit the amount of the estimate with DISCOM before the

commencement of the work and the final bill will be prepared by the licensee for actual work done and actual material used / credited and balance amount, if any, will be refunded / recovered. In this case, the estimate prepared for total work and the credit amount for material to be credited can be decided only after actual work done and actual material credited in MGVCL store. Second revised estimate issued by MGVCL is in order.

In view of the above discussion, the Forum is of the opinion that the complainant should make payment as per second revised estimate and MGVCL shall prepare final bill for actual work done and actual material used / credited. The balance amount if any, after work completion and on preparing final bill, shall be refunded / recovered from the complainant.

ORDER

The Forum directs the complainant Shree Laxmi Pulse Rice & Flour Mills, PB No.75, Chakalia Road, Dahod to make payment as per second revised estimate dated 12.03.2013. Forum directs the MGVCL to prepare final bill for actual work done and actual material used / credited. After final bill, the balance amount, if any, shall be refunded / recovered..

(Y B Sukhadia)
Technical 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>