

**GUJARAT ELECTRICITY REGULATORY COMMISSION
BEFORE THE ELECTRICITY OMBUDSMAN, GUJARAT STATE
Polytechnic Compound, Barrack No.3, Ambawadi,
Ahmedabad-380015**

CASE NO. 88/2018

Appellant : M/s. Sezon Papers Pvt. Limited
8-A, National Highway
Survey No.156/paiki. Nr.Bharat Minerals
Nr. Kalikanagar, Morbi-363642.

Represented by: Shri V.V.Patel
Shri Vikrambhai Shah, Authorized representative

V/s.

Respondent: Executive Engineer
Paschim Gujarat Vij Company Ltd.,
Division Office, Old Power House, Morbi-363642

Represented by: Shri N.D.Panara, EE, PGVCL, Morbi Divn. Office

:::PROCEEDINGS:::

- 1.0. The Appellant had submitted representation aggrieving with the order No. 5526 dated 27.06.2017 passed by the Consumer Grievances Redressal Forum, Paschim Gujarat Vij Company Limited, Rajkot, in case No. 40/Q.01/2017-18 and review order No.829(4) dated 25.01.2018 in case No.41/Q.02/2017-18. The representation was registered at this office as Case No.88/2018. The hearing of this case was kept on 25.10.18, 15.11.18 and 06.12.18.
- 2.0. Appellant has represented the case as under.
 - 2.1. It is submitted that Appellant is having HT connection in the name of M/s. Sezon Papers Pvt. Limited, bearing consumer No.33130 under HTP-I tariff, having contracted load of 1800 KVA. This connection was physically released on 13.12.2016 by providing meter and CTPT unit.
 - 2.2. The issue is to refund of excess recovered maximum demand charges. Appellant had registered the complaint before CGRF and order by CGRF was issued in favour of Appellant, but Respondent had not considered the same. Review appeal was filed before CGRF, which was also denied by CGRF, and earlier order issued by CGRF was remained as final order.

- 2.3. It is submitted that as Respondent had not credited the wrong recovered demand charges since long, Appellant had again submitted representation to Respondent vide letter dated 13.03.18. It is submitted that no action was taken by Respondent for crediting the wrong recovered amount in the monthly bill of Appellant.
- 2.4. Appellant has referred the Clause No. 2.52 of GERC Regulations Notification No. 2 of 2011.
- 2.5. Vide rejoinder letter dated 06.12.2018, Appellant has referred the Clause No. 2.50 of Notification No.2 of 2011 and stated that order of Forum is binding to the Respondent and same cannot be challenged by the Licensee before Ombudsman.
- 2.6. Appellant has also referred the Clause No. 3.17 of Notification No.2 of 2011, before Ombudsman. The condition says that complainant (aggrieved consumer) can file representation for avoidance of doubt. Licensee is not allowed to file representation before Ombudsman against the order of Forum.
- Considering the above, representation made by Licensee is devoid of any merits.
- 2.7. Appellant has also referred Clause No. 3.16(ii) of Notification No.2 of 2011 which is as under:
- “On receipt of information from the Forum regarding non-compliance of the order of Forum by Distribution Licensee, the Ombudsman shall initiate proceedings for implementation of order of Forum by the Licensee.”
- Appellant has requested not to consider representation of Respondent. Further it is requested to initiate proceedings as above and not to issue any fresh order considering above matter.
- 2.8. Appellant has prayed to direct Respondent to implement the order issued by CGRF.
- 3.0.** Respondent has represented the case as under.
- 3.1. It is submitted that as per Part-2 of Clause No.13.1, Sub-Clause No. 13.1.1 of Tariff Schedule for the year 2016-17, the rate of demand charge is given per month and accordingly the monthly demand charges are recovered.

- 3.2. As per Tariff Schedule of GERC, the fixed charge/demand charge is being calculated from first to last date of a particular month, means monthly based fixed charge/demand charge, and it is being recovered accordingly.
- 3.3. The connection of Appellant is released on 13.12.2016. The billing was made on 18.12.2017. Therefore, for the month of December,2016, the billing is made for 19 days i.e. from 13.12.16 to 31.12.16 and demand charge of Rs. 2,79,943.55 was recovered, which is as per rules.
- 3.4. Statement of calculation of demand charge.
- Name of consumer: M/s. Sezon Paper Pvt. Ltd.
 Consumer No.: 33130
 Dt. Of release of connection: 13.12.2016 under HTP-1 Tariff.
 Contracted demand: 1800KVA
 85% of contracted demand: 1530KVA
 Actual Maximum demand: 00 KVA
 Billing demand: 1530KVA.
 Billing date: 18.12.2016

December,2016 billing:

KVA	Rate Rs.	Actual days (13.12.16 to 31.12.16)	Month days (01.12.16 to 31.12.16)	Total charges (Rs.) 5=1x2x3/4
500	150	19	31	45967.74
500	260	19	31	79677.42
530	475	19	31	154298.39
1530			Total	279943.55

Contract Demand:1800KVA.

85% of Contract Demand: 1530 KVA

JANUARY,2017 BILLING.

KVA	Rate Rs.	Actual days (01.01.17 to 31.01.17)	Month days (01.01.17 to 31.01.17)	Total charges (Rs.) 5=1x2x3/4
500	150	31	31	75000.00
500	260	31	31	130000.00
530	475	31	31	251750.00
1530			Total	456750.00

Contract Demand: 1800KVA.

85% of Contract Demand: 1530 KVA.

FEBRUARY,2017 BILLING.

KVA	Rate Rs.	Actual days (01.01.17 to 31.01.17)	Month days (01.01.17 to 31.01.17)	Total charges (Rs.) 5=1x2x3/4
500	150	28	28	75000.00
500	260	28	28	130000.00
530	475	28	28	251750.00
1530			Total	456750.00

Contract Demand: 1800KVA.

85% of Contract Demand: 1530 KVA.

Respondent stated that at every month demand charges are being calculated for the period 1st day to 30th/31st day of the month. Demand charges are not recovered two times from the Appellant. As demand charges recovered are as per norms, it should not be refundable.

::: ORDER :::

- 4.0.** I have considered the contentions of the Appellant and the contentions of Respondent and the facts, statistics and relevant papers, which are on record, and considering them in detail, my findings are as under.
- 4.1. During first hearing on 25.10.18 both the parties remained absent. On second hearing on 15.11.18, Respondent has asked adjournment. On third hearing on 06.12.18 both the parties remained present. Under these circumstances, this case has not been disposed of within a time period of 60 days as specified in Clause No.3.38 of Notification No.2 of 2011.
- 4.2. As per Clause 2.63 of Notification No.2 of 2011, representation before Ombudsman can be filed.

2.63: Any Complainant may prefer a representation before the Ombudsman appointed/ designated by the Commission under the following circumstances:

- i. If the Complainant is aggrieved by the non-redressal of the Grievance by the Forum within the period specified;
- ii. If the Complainant is aggrieved with the order passed by the Forum;
- iii. Non-implementation of Forum's order in specified time limit.

As per Clause No. 3.17(iv) of Notification No.2 of 2011, the precondition/ limitation for entertaining the representation, in which condition No.4 states as under:

3.17: A Representation may be entertained by the Ombudsman only if all of the following conditions are satisfied:

- (iv). The Complainant is not satisfied with the redressal of his/her complaint/ Grievance by the Forum or the Forum has rejected the Complaint/Grievance or has not passed the order within the time limit specified or Distribution Licensee has not implemented Forum's order within specified time limit.

Based on the above mentioned Regulations, representation of Appellant against non-implementation of Forum order has been registered and parties were called for hearing.

Respondent has submitted the details of HT connection released in Para No.3.

4.3. As per submission made in Para No. 2.5 and 2.6, Appellant has pointed out that this appeal is filed for non-implementation of CGRF order, so that argument of Appellant cannot be considered.

4.4. In prayer made by Appellant he has prayed for directing Respondent to implement CGRF order.

This is a case of non-implementation of CGRF order. Even the review appeal made by Respondent has also been dismissed by CGRF vide order dated 25.01.2018.

Looking to the above and limited aspect of prayer of appellant, Respondent is directed to implement the directives given by CGRF in its order.

Compliance report may be submitted to this office within 30 days.

4.5. I order accordingly.

4.6. No order as to costs.

4.7. With this order, representation/Application stands disposed of.

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.

Date: 20.12.2018.