

Minutes of the Meeting of Consumer Grievance Redressal Forums held at GERC, Ahmedabad on 30th July 2011 at 11.00 A.M.

The following members / representatives of Consumer Grievance Redressal Forums of various Distribution Licensees and members / staff of the Commission were present in the meeting:

Commission and Secretary:

1. Dr. P.K. Mishra, Chairman, GERC
2. Shri Pravinbhai Patel, Member (Technical), GERC
3. Dr. M.K. Iyer, Member (Finance), GERC
4. Dr. Ketan Shukla, Secretary, GERC

Ombudsman:

- Shri V.T. Rajpara, Electricity Ombudsman

Chairmen / Members / Representatives of Consumer Forums:

1. Shri S.B. Raval, IAS, Managing Director, PGVCL Rajkot
2. Shri M.B. Jadeja, Chairman, PGVCL (Rajkot) Forum
3. Shri M.A. Mandhara, Independent Member, PGVCL (Rajkot) Forum
4. Shri K.D. Viradia, Convener, PGVCL (Rajkot) Forum
5. Shri K.M. Bhuva, Chief Engineer, PGVCL
6. Shri J.V.Prajapati, Independent Member, PGVCL(Bhavnagar) Forum
7. Shri M.G. Donga, Chairman, PGVCL (Bhavnagar) Forum
8. Shri M.B. Joshi, Convener, PGVCL (Bhavnagar) Forum
9. Shri J.B. Parekh, Addl. Chief Engineer, PGVCL
10. Shri M.B. Thanki, Chairman, PGVCL (Bhuj) Forum
11. Shri H.A. Gadhvi, Independent Member, PGVCL (Bhuj) Forum
12. Shri D.V. Rana, Convener, PGVCL (Bhuj) Forum
13. Shri J.J. Gandhi, PGVCL
14. Shri P.N. Sheth, PGVCL
15. Shri J.P. Brahmhatt, Chairman, DGVCL Forum
16. Varsha A. Shah, Member, DGVCL Forum
17. Shri B.R. Icecreamwala, Convener, DGVCL forum

18. Shri S.R. Shah, Independent Member, UGVCL Forum
19. Shri C.L. Sharma, Member, UGVCL Forum
20. Shri P.K. Patel, UGVCL
21. Shri K.M. Dave, Chairman, MGVCL Forum.
22. Shri H.R. Shah, SE (R&C), Convener, MGVCL Forum.
23. Shri R.B. Sinha, Independent Member, TPL (Ahmedabad) Forum
24. Shri S.J. Oza, Member, TPL (Ahmedabad) Forum
25. Shri P.N. Thakkar, Member, TPL (Ahmedabad) Forum
26. Shri F.A. Garari, Convener, TPL (Ahmedabad) Forum
27. Shri S.H. Pandya, Independent Member, TPL (Surat) Forum
28. Shri H.L. Lalwala, Member, TPL (Surat) Forum
29. Smt. P.H. Desai, Convener, TPL (Surat) Forum
30. Shri A.M. Desai, Member, TPL (Surat) Forum
31. Shri Ranjit Mohanty, Viksat, Ahmedabad

Officers of the Commission:

1. Shri D.R. Parmar, Joint Director
2. Shri S.R. Pander, Legal Advisor
3. Shri B.R. Joshi, Technical Consultant
4. Shri G.H. Patel, Dy. Director
5. Shri S.T. Anada, Dy. Director

Officer of Ombudsman:

- Shri B.J. Shah, Staff Officer, Ombudsman.

At the outset, Shri Ketan Shukla, Secretary, GERC welcomed all the members and participants on behalf of GERC. Dr. P.K. Mishra, Chairman, GERC, welcomed all the dignitaries.

Thereafter, the agenda items were taken up for discussion.

Item No. 1**Confirmation of the Minutes of the Last Meeting**

The 9th meeting of Chairmen and Members of all CGRFs was held on 22.02.2011. Minutes of the last meeting had been circulated to all the Forums and Ombudsman vide Commission's letter no. GERC/ADMIN/2011/782 dated 12th May, 2011. Since no comments or suggestions had been received on it, the same were adopted as approved.

Item No. 2**Action taken Report on the Decisions of the Last Meeting**

- (i) In the last meeting, it was decided that CGRF should hold at least one meeting every week. However, it was observed that PGVCL (Bhuj) forum, PGVCL (Rajkot) forum and TPL (Surat) forum have not held meetings as per the above decision.

It was informed by them that the meetings were not held as there were no pending cases. Chairman, PGVCL (Rajkot) forum, assured that it would arrange meetings circle wise once a week. Chairman, GERC, also drew the attention of all forum members towards Draft Forum and Ombudsman Regulations wherein it is provided to hold meetings circle wise once a week.

The Commission pointed out that the PGVCL (Rajkot) forum had redressed 75 out of 83 cases in three months without holding any meetings. Member (T) raised the question as to how the complainant would be able to know whether their complaint is redressed or not if no meeting was held in this regard. Chairman, PGVCL (Rajkot) forum informed that the complaints like, no refund of deposit, billing, cases pertaining to section 126 and 135, etc. are being addressed by giving immediate instructions to the field offices. He also stated that a record of redressal of all such complaints is being maintained by the forum.

PGVCL (Rajkot) forum informed that 85% of complaints are resolved in favor of the consumers. Chairman, GERC, enquired whether in such

cases the utilities could represent and put their side of the story. Member (T) pointed out that there seems to be a mixing up of internal Redressal mechanism with CGRF. Member (T) insisted that all the orders should be signed by Members of the Forum. PGVCL (Rajkot) forum informed that a formal order is issued by the Forum with the signature of Convener, after the approval of the Members.

Chairman, PGVCL (Bhuj) forum, informed the Commission that in spite of a lot of advertisement they are not receiving many complaints. He informed that all the complaints are being resolved immediately by instructing the field staff. Chairman, GERC, instructed him, to give details of nature of complaints and areas from where complaints were received. PGVCL (Bhuj) forum shall submit details in this regard during next meeting.

- (ii) All the Forums confirmed that the meetings of Forum are held in separate room and not in any of the officer's room. Member (F) stated that no member should attend to any other work while meeting is in progress.
- (iii) The Commission insisted on keeping one meeting at each circle in a month with prior intimation of the date to the consumers. The Commission felt that if Forum holds a meeting in a circle with prior intimation, the consumers may approach the Forum and get their grievances resolved. Chairman, GERC, instructed all the Forums to start this practice immediately. As it will be difficult for the consumers to lodge their complaints from far away locations, this practice will be more convenient to the consumers and it will facilitate consumer participation.

Item No. 3

Mechanism for implementation of order passed by Forum and Ombudsman

The Commission has received the complaints from various consumers regarding non-implementation and long delays in implementation of order of

Forum and Ombudsman. The Commission asked why there was long gap for implementing the orders of CGRF and Ombudsman.

Following representations by consumers for non-implementation of the order, by Forum and Ombudsman were discussed:

- (i) Complaint of Shri Bipin Radadia: The order was passed by CGRF - PGVCL (Bhavnagar) on 14/10/2010 regarding case no. 42/10 for reconnection. PGVCL informed the Commission vide its letter dated 17/02/2011 that the order of Forum has been implemented.
- (ii) Complaint of Shri Khetabhai R. Kanbi: The applicant complained to the Ombudsman regarding non-implementation of the order of CGRF - UGVCL. Ombudsman instructed the Deputy Engineer, UGVCL, Dhanera sub-division, to implement the order of CGRF. UGVCL informed the Commission that the order has been implemented by erecting a link line for feeder bifurcation to tackle the voltage problem in the area.
- (iii) Complaint of Shri Amarabhai Panchabhai Jamod: The order was passed by the Ombudsman on 04/10/2010 in case no. 37/2010. It was ordered to give the agriculture connection to the consumer. PGVCL informed the Commission that the estimate has been issued to the complainant and the work is under progress.
- (iv) Complaint of Shri Dudabhai Ghusabhai Gohil: The order was passed by the Ombudsman on 29/09/2010 in case no. 38/2010. It was ordered to grant the request of the consumer for name and place change of the agriculture connection. PGVCL informed the Commission that the estimate has been issued to the complainant but payment is yet to be made by the complainant.
- (v) Complaint of Pratik Processors Pvt. Ltd.: The order was passed by the Ombudsman on 15/06/2010 in case no. 23/2010. It was ordered to refund the recovery of the excess demand charged by DGVCL, along with the interest. DGVCL informed the Commission that they have decided to file an appeal before the High Court. Chairman, GERC, pointed out that filing of appeal

after 8 months is not proper and such attitude of utility causes harassment to consumers.

- (vi) Complaint of San-Dip Nursing Home: Ombudsman had ordered to refund the transformer charges. MGVCL replied that this may cause huge financial burden on utility and they are discussing this issue with GUVNL. Chairman GERC, stated that there may be action against MGVCL under section 142 of EA, 2003. MGVCL sincerely apologized for the same. He instructed MGVCL to submit the reason for the delay before the Commission.
- (vii) Complaint of S.E.W. Commercial Co. Pvt. Ltd.: The applicant was billed under HTP-1 tariff for violation of HTP-IV tariff condition for the month of October 2008 and November 2008, as it has crossed 10% of limit of maximum demand during day time. Ombudsman ordered that tariff condition was violated during day time in Nov'08 hence HTP-1 tariff applied was in order but in case of bill of Oct'08 penalty should be operated on demand charge for whole month and not to levy penalty on energy charge. Monthly bill was to be revised accordingly. No interest was to be paid for refunded amount.

All such delay shows that there is some reluctance in implementing the order of Forum and Ombudsman. The utilities were advised that if they are not satisfied with any order, they can appeal before the high court within the time limit. Commission indicated that a serious view will be taken in case of undue delay in implementation of the orders of CGRF and Ombudsman.

Item No. 4

New GERC Regulations related to (i) Forum and Ombudsman and (ii) Open Access

The Commission has prepared the Draft Regulations. The Commission has also received suggestions/objections from various stakeholders.

The final Regulations regarding (i) Forum and Ombudsman, and (ii) Open Access, will be issued shortly.

Item No. 5

Review of Performance

Member (F) inquired about the number of cases of previous quarter that are carried forward to the next quarter. Member (T) stated that the date of the oldest complaint should be given in the chart. Chairman, GERC, remarked that after appointment of full time Ombudsman, the numbers of cases have increased. This shows that if there is more visibility then more people may come forward to represent their grievances. The Ombudsman confirmed that all the cases are disposed off within 45 days.

Item No. 6

Discussion on one typical case from DGVCL, PGVCL (Rajkot), PGVCL (Bhuj) and TPL (Surat):

One case each of the forums of PGVCL (Rajkot), PGVCL (Bhuj), TPL (Surat) and DGVCL were presented by their representatives and discussed by the members.

PGVCL (Rajkot):

CGRF-Rajkot received a complaint regarding not processing the application of Agriculture PDC Reconnection even after passage of six years from date of registration. The Forum was informed the officer of PGVCL that the AG PDCRc application could not be processed due to non-availability of record. The Forum decided that the case in favor of consumer and ordered PGVCL to reconnect the connection within 8 days.

The Commission took a serious view about pendency of this application for 6 years. The Commission suggested that pendency of cases should be reviewed by MD and Chief Engineer of the utilities.

PGVCL (Bhuj)

CASE – I:

One industrial applicant filed a case before CGRF Bhuj claiming compensation of Rs. 3 lakh per day against the delay on account of PGVCL in releasing additional demand.

The Forum studied the case and found that there was an objection raised by National Highway Authority against erecting of line which was necessary to release the additional demand by the said applicant. It is also noted by the Forum that PGVCL has endeavored to release the additional demand from insisting 11 kV feeders which got spare due to reduction in demand by another consumer.

The Forum decided the case in favor of PGVCL.

CASE - II

One Agriculture consumer filed a case before CGRF regarding undue delay caused by PGVCL in granting change of name. The PGVCL represented before Forum that original case file of consumer was not traceable. Hence, name change applicant of the consumer was not processed.

The Forum prevailed upon PGVCL and intimated them to trace original case file immediately, failing which disciplinary action may be initiated against concerned person.

The Forum concluded that there was not fault on consumer side and decided the case in favor of consumer.

The Commission stated that action must be taken against concerned officials to avoid such type of complain in future.

TPL – Surat

A Complaint was received by CGRF TPL Surat regarding reconnection. TPL represented before the Forum that the premises on which connection was given had been demolished. Hence, the applicant has to ask for fresh connection.

Member of the Forum visited the site and found that the applicant had constructed a new building by demolishing the old one and was trying to establish that he had done only renovation.

The Forum decided the case in favor of TPL.

The Commission appreciated the visit of member of the Forum to the site to resolve the issue.

DGVCL

A case was presented by DGVCL. In this case, Circle Level Complaint Redressal Committee (CRC) of DGVCL ordered applicant regarding payment of average bill in accordance with provisions of GERC Supply Code Regulations. The applicant had made payment as per CRC order.

There after internal audit team of DGVCL raised a query on this judgment of CRC and supplementary bill was issued to the applicant. The applicant did not pay the supplementary bill and approached CGRF-DGVCL. CGRF passed an order in favor of the applicant with remark that Auditor has no authority to reassess or change the order of CRC.

- The details of the cases are attached at **Annexure I, II, III and IV** respectively.

The Chairman appreciated the case presentations. It was decided that in the next meeting, Forums of PGVCL (Bhavnagar), UGVCL and MGVCL would discuss important cases.

The meeting was concluded with a Vote of Thanks to the chair.