

Minutes of the 11TH Meeting of Consumer Grievance Redressal Forums held at GERC, Ahmedabad on 30th January 2012 at 3.00 P.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 P.J.Patel, Chairman, MGVCL Forum.
2. Shri D.J.Parekh, Chairman, PGVCL (Bhavnagar) Forum.
3. Shri A.C.Panwala, Chairman, DGVCL Forum.
4. Smt. Mala Shah, Chairman, UGVCL Forum.
5. Shri M.G.Patel, Chairman, TPL (Ahmedabad) Forum.
6. Shri V.R.Vyas, Chairman, TPL (Surat) Forum.
7. Shri M.A. Mandhara, Independent Member, PGVCL (Rajkot) Forum.
8. Shri J.B. Parekh, Technical Member, PGVCL (Rajkot) Forum.
9. Shri H.A. Gadhvi, Independent Member, PGVCL (Bhuj) Forum.
10. Shri N.V.Parekh, Technical Member, PGVCL (Bhuj) Forum.
11. Shri J.V.Prajapati, Independent Member, PGVCL (Bhavnagar) Forum.
12. Shri K.M.Dholariya, Technical Member, PGVCL (Bhavnagar) Forum.
13. Shri S.R.Patel, Technical Member, UGVCL Forum
14. Shri M.J.Vaidya, Independent Member, MGVCL Forum.
15. Shri Y.B.Sukhadia, Technical Member, MGVCL Forum.
16. Shri I.Z.Patel, Technical Member, DGVCL Forum.

Shri P.J.Patel, Chairman, MGVCL Forum.

1. Shri D.J.Parekh, Chairman, PGVCL (Bhavnagar) Forum.
2. Shri A.C.Panwala, Chairman, DGVCL Forum.
3. Smt. Mala Shah, Chairman, UGVCL Forum.
4. Shri M.G.Patel, Chairman, TPL (Ahmedabad) Forum.
5. Shri V.R.Vyas , Chairman, TPL (Surat) Forum.
6. Shri M.A. Mandhara, Independent Member, PGVCL (Rajkot) Forum.
7. Shri J.B. Parekh, Technical Member, PGVCL (Rajkot) Forum.
8. Shri H.A. Gadhvi, Independent Member, PGVCL (Bhuj) Forum.
9. Shri N.V.Parekh, Technical Member, PGVCL (Bhuj) Forum.
10. Shri J.V.Prajapati, Independent Member, PGVCL (Bhavnagar) Forum.
11. Shri K.M.Dholariya, Technical Member, PGVCL (Bhavnagar) Forum.
12. Shri S.R.Patel, Technical Member, UGVCL Forum
13. Shri M.J.Vaidya, Independent Member, MGVCL Forum.
14. Shri Y.B.Sukhadia, Technical Member, MGVCL Forum.
15. Shri I.Z.Patel, Technical Member, DGVCL Forum.
16. Shri R.B. Sinha, Independent Member, TPL (Ahmedabad) Forum.
17. Shri S.J.Oza, Technical Member, TPL (Ahmedabad) Forum.
18. Shri S.H. Pandya, Independent Member, TPL (Surat) Forum.
19. Shri K.D. Viradia, Convener, PGVCL (Rajkot) Forum.
20. Shri A.M. Kuriakose, Convener, PGVCL (Bhavnagar) Forum.
21. Shri D.V. Rana, Convener, PGVCL (Bhuj) Forum.
22. Shri B.R. Icecreamwala, Convener, DGVCL forum.
23. Shri M.P.Trivedi, Convener, MGVCL Forum.
24. Shri P.D.Halani, Convener, MGVCL Forum.
25. Shri F.A. Garari, Convener, TPL (Ahmedabad) Forum
26. Smt. P.H. Desai, Convener, TPL (Surat) Forum

Officers of the Commission:

1. Shri D.R. Parmar, Joint Director
2. Shri S.R. Pandey, 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, Dr. Ketan Shukla, Secretary, GERC welcomed all the members and participants on behalf of GERC. Dr. P.K. Mishra, Chairman, GERC, also welcomed all the dignitaries. It is observed that now there is no vacancy in all CGRFs in the state.

Thereafter, the agenda items were taken up for discussion.

Item No. 1

Confirmation of the Minutes of the Last Meeting

The 10th meeting of Chairmen and Members of all CGRFs was held on 30.07.2011. The minutes were circulated to all the Forums/Members vide Commission's letter No. GERC/ADMIN/2011 /1443 dated 5/09/2011. 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 sitting every week.

All Forums have held one sitting as decided in the last meeting and submitted the status. It was informed that after giving public advertisement in newspapers for creating awareness among the consumers, now more complaints are received at Bhuj CGRF.

- (ii) As per the regulation and decided during last meeting , now all forums have scheduled a meeting at circle level during the month except UGVCL forum. Chairperson of UGVCL forum informed that , forum has scheduled circle level meeting during February ,2012. Further Chairman of the Commission, suggested to give wide publicity of circle level

meeting of forum, so that consumers at remote places can easily access the forum on specific date.

Further on request of all forums , the Chairman of the Commission, directed the office staff to take all suitable actions for wide publicity of forums including advertisement in newspapers.

(iii) It was decided that all the Forums shall review implementation of the orders, once every month.

As regards review of implementation of orders once in every month is concerned, it was informed that MGVCL has already started the process of reviewing its orders. UGVCL has informed that by 28th February, they are going to conduct a review meeting for getting the status of the implementation of orders. PGVCL (Rajkot) has informed that as it has not received any complain of non- implementation of orders, though, it will start to review implementation of orders from February , 2012. Chairman stated that non-implementation of forums order by the licenses in true spirit shall be dealt as per the Regulation.

Item No. 3

Implementation of new GERC Regulations of Forum and Ombudsman

The Commission has published the CGRF (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2011 on 7th April, 2011. The following actions are required to be taken by all the distribution licensees in a time-bound manner.

(i) Utilities should appoint Chairman and Technical member of the Forum as per the new Regulations.

All Utilities have appointed the Chair Person and technical member of the Forum as per the new Regulations.

(ii) Full-time office of Forum with an officer to be provided by the DISCOMs.

On a query for establishment of a separate independent office and staff as per the notification, it was informed that all of them have independent offices except DGVCL as their corporate office is under construction and will make separate provision. However, presently they have a full-time coordinator office for CGRF.

Item No. 4

Review of Performance

Performance reports, as furnished in the agenda notes, second quarter of 2011-12, were reviewed. It was suggested that performance reports should be submitted as per revised format given in GERC (CGRF and Ombudsman) Regulations, 2011.

Item No. 5

Discussion on one typical case from CGRFs of PGVCL (Rajkot), DGVCL and TPL (Ahmedabad):

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

PGVCL (Rajkot):

CGRF-Rajkot received a complaint regarding estimate for AG Tatkal connection.

The consumer applied for new AG connection on 02.11.1998 for his AG land having survey no. of village 'Memana' with mentioned his correspondence address i.e. residential address of village "Murila". Then after, the applicant has "switched over his aforesaid original AG application dated 02.11.1998, in-AG Tatkal Scheme" on 15.01.11, wherein he has also mentioned his original residential address of village Murila with his contact Mobile number.

PGVCL has considered his "switch over application for granting AG Tatkal connection , and issued the quotation thereof ", by delivering the post "at village Memana in stead of residential address at village "Murila".

The representative personally approached PGVCL's Lalpur office at where he came to know from concern employee that, " the quotation was already dispatched, but due to dispatching mistake by the PGVCL in sending the quotation at village Memana instead of village Murila, the registered postal envelope of quotation was already returned back to the PGVCL's office within 15 Days from dispatch date . At that time, the concern employee has obtained signature of consumer and has given the photo copy of original quotation to the consumer, in which, the representative has found that, the last date for the payment of quotation was already over. Then after, the representative was advised by the PGVCL's employee /officer for time limit extension for the payment of the quotation. According to afore said advice, the consumer has applied for time limit extension for payment of aforesaid quotation.

Then after, the subdivision officer has proposed the time limit extension before the higher authority of PGVCL. But the higher authority of PGVCL has not considered the time limit extension, as the time limit extension for the payment of quotations issued under AG TATKAL connection are strictly restricted under GUVNL's circular no GUVNL/Tech/ TTK/2126, dated: 14.11.2011. Hence, the applicant was dissatisfied with the aforesaid action of the PGVCL, and has approached before CGRF on 01.01.2012 for getting justice by resolving his grievances under justifying way.

The CGRF Committee has studied the entire case by verifying the documents submitted from both sides, and by personally hearing to the both parties in CGRF committee meeting held on 20.01.2012. CGRF committee observed that it is clear case of mistake of dispatching the registered post at wrong address and so non receipt of quotation by the applicant and it is totally irrelevant matter with the contention laid under GUVNL's said circular of time limit extension.

CGRF committee also observed that it is enough important that AG applicant who applied in 1998 for new AG connection who is eagerly waiting for his connection for 13 years will be away from his fundamentals rights only due to negligence of irresponsible employees, this case was differently analyzed with due sentiments and also decided in favour of consumer within

frame of rules – regulations as decided by forum to issue fresh estimate instead of laid down formal procedure of time limit extension.

Considering the above conclusion, the CGRF committee has passed the order on 25.01.2012 that, the PGVCL has to rectify the Justified dispatching mistake of issuing the quotation at wrong address , by issuing the fresh quotation at the correct address of the applicant immediately under intimation to the CGRF.

DGVCL:

CGRF-DGVCL received a complaint regarding the revise average bill.

Appellant Shri Arvindbhai Uttambhai Jariwala was having LTP-1 category consumer with contracted load of 30.0 HP, at Bhestan, District-Surat for textiles unit. The Connection was checked by D. E . Udhana Rural S/ Dn on 27.11.2007 .The meter was found faulty & not showing display .Connected load was found 23.5 HP. The meter was replaced for further lab inspection & accordingly Lab inspection was carried out on 28.11.2007 in presence of consumer. During inspection B phase current coil was found burnt and due to this reason, the said meter was stopped. Bill issued to the consumer from 22.09.07 to 15.12.07 of 40950 units.

Consumer represented to revise average bill with a reason that during Diwali Festival the factory was closed for 15 days. The Appellant had complaint before the Divisional Level Complaint Redressal Committee at Surat Urban Division. They have rejected the complaint on the basis of consumption pattern of single phase & decision issued on 23.07.2011.

The appeal was heard on 25.10.2011 by the CGRF-Surat . The Complainant represent the case as mentioned above executive summary & Further he requested to revise the bill because during Diwali festival, his factory remained closed for 15 days and to consider this period accordingly to revise the average bill. Further, he stated that the factory lighting consumption found in the same range during month as well as before and after Diwali festival.

After hearing applicant and DGVCL officer CGRF passed the order to revise the average units considering the consumption recorded for immediately preceding three billing cycles of meter as per Supply Code, Clause No. 6.1.8. and 4 days rebate is considering factory closed during Diwali Period. As per CGRF –Surat order the utility shall be refunded for 8244(average bill) units in next billing cycles.

TPL (Ahmedabad):

CGRF- TPL (Ahmedabad) received a complaint regarding the Non acceptance of irrevocable Bank Guarantee in lieu of cash payment, as Security Deposit for combined load of three HT services as per GERC's notification no. 5 of 2010.

M/s. Neesa Leisure Ltd (Complainant) had 3 HT services. HT 8000575, 8001219 and 8001094 having contract demand of 500 kw, 500 kw and 200 kw respectively.

Complainant having contract demand of 1 MVA or more may at their option, furnish security deposit in the form of irrevocable bank guarantee as per GERC (Security Deposit) (First Amendment) Regulations, 2010.

TPL(opponent)'s insistence for payment of security deposit and not accepting bank guarantee in lieu of payment was justified, since they had provided 3 different HT services and as accepted by the complainant they were at three different locations, and having contract demand less than 1 MVA.

Complainant was explained the provisions of law and there was no violation of GERC's notification No. 5 of 2010 on the part of the opponent as it was applicable only to HT services having contract demand of 1 MVA or more.

Forum took cognizance of both oral and written submissions made by the complainant as well as respondent.

In conclusion, Forum upheld the stand taken by the opponent and dismissed the complaint with no orders as to costs. Complainant has made the payments as demanded by the opponent.

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

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

Item No. 6

Any other item with permission of the Chair:

Suggestion regarding claiming infrastructure charges from the new consumers was discussed. Shri Dharmendra Parmar, Joint Director, clarified that the Commission has modified the methodology of charging infrastructure charges from the new consumers before sometime. Earlier the distribution licensees unbundled from the erstwhile GEB were charging based on the estimated expenses for the infrastructure required to be created for the individual consumer. Hence, the charges may vary from consumer to consumer. Subsequently on receipt of the request from GUVNL, the Commission has approved uniform charge mechanism on KW basis. Now, it is required to follow the same by all four Discoms.

Suggestion regarding permanent connection for construction work from the new consumers was discussed. Shri Dharmendra Parmar, Joint Director, clarified that if Applicant is agreed to enter into two years agreement than permanent connection to be provided. Temporary connection facility is for the applicant who requires electricity supply for temporary period only.

Chairman of MGVCCL forum, represented against minimum bill of Rs. 140 per KW under the Non RGP category (Commercial consumer) as per last tariff order. . Shri Dharmendra Parmar, Joint Director, clarified that due to merging of lighting category with motive power category minimum bill included in tariff order in line with earlier tariff of motive power consumer. Further he also clarified that as per existing energy charges and FPPPA charges if the consumer is consuming more than 22 units per KW per month, minimum bill will not be applicable. Chairman of the Commission suggested to all the forums to go through the last tariff order and if any suggestions or representations received from consumers, the forum shall represent before the Commission at the time of public hearing of tariff petition.

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