

GUJARAT ELECTRICITY REGULATORY COMMISSION
6th FLOOR, GIFT ONE, GIFT CITY, GANDHINAGAR

Minutes of the 16th Meeting of the Consumer Grievances Redressal Forums
of different utilities held on 21st November 2013

The 16th meeting of the Consumer Grievances Redressal Forums of different utilities was convened in the Conference room of GERC Office at 03.30 p.m. on 21st November 2013.

The following were present in the meeting.

Commission :

1. Shri Pravinbhai Patel, I/c Chairman & Member (Technical), GERC.
2. Dr. M.K. Iyer, Member (Finance), GERC.

Electricity Ombudsman:

Shri V.T. Rajpara, Electricity Ombudsman, Ahmedabad

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.M.Dhebar, Chairman, PGVCL (Bhuj) & I/c Chairman, PGVCL (Rajkot) Forum
4. Shri A.C.Panwala, Chairman, DGVCL Forum.
5. Smt. M.Y. Shah, Chairman, UGVCL Forum.
6. Shri M.G.Patel, Chairman, TPL (Ahmedabad) Forum.
7. Shri V.R.Vyas, Chairman, TPL (Surat) Forum.
8. Smt. Harsha S.Chauhan, Independent Member, MGVCL Forum.
9. Mrs Medha M. Marathe, Technical Member, MGVCL Forum.
10. Shri P.C.Adhia, Technical Member, PGVCL (Rajkot) Forum.
11. Shri D.J.Dhandhukiya, Independent Member, PGVCL (Bhavnagar) Forum.
12. Shri B.R.Sorathia, Independent Member, PGVCL (Bhuj) Forum.
13. Shri B.J.Dave, Independent Member, PGVCL (Bhuj) Forum.
14. Shri J.J.Patel, Independent Member, DGVCL Forum
15. Shri M.J.Barot, Independent Member, UGVCL Forum.
16. Ms.Y.H.Upadhyia, Independent Member, TPL (Ahmedabad) Forum.
17. Shri S.J.Oza, Technical Member, TPL (Ahmedabad) Forum.
18. Shri Bimal D. Mistry, Technical Member, TPL (Surat) Forum.
19. Shri K.N.Parikh, Convener, MGVCL Forum
20. Shri K.D. Viradia, Convener, PGVCL (Rajkot) Forum.
21. Shri P.P.Pandya, Convener, PGVCL (Bhavnagar) Forum.
22. Shri B.K.Maheshwari, on behalf of Convener, PGVCL (Bhuj) Forum.
23. Shri B.R. Iccreamwala, Convener, DGVCL forum.
24. Shri P.D.Halani, Convener, UGVCL Forum.
25. Shri N.G.Shah, 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.T. Anada, Dy. Director (Technical)

3. Shri Gopal Dayalani, Dy. Director (Technical)
4. Shri Apurva Adhvaryu, Dy. Director (Tariff)

Officer of the Ombudsman:

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

Shri D.R.Parmar, Joint Director (Technical) welcomed the Chairpersons and Members of all the Consumer Grievances Redressal Forums (CGRF) and Ombudsman.

Shri Pravinbhai Patel, In-charge Chairman and Member (Technical), extended a hearty welcome to the participants and wished them a Happy New Year. He stated that the meeting of Forum is held on a quarterly basis to review performance of Forums and discuss various aspects to expedite redressal of consumer grievances by Forums.

Item No.1: Confirmation of Minutes of the last Meeting:

The 15th meeting of Consumer Grievance Redressal Forums was held on 19th July, 2013. The minutes were circulated to all the Forums/Members vide Commission's letter No. GERC/ADMIN/2013/1632 dated 19th August, 2013. No comments have been received by the Commission from any of the members. Hence, the Minutes of the meeting were confirmed.

Item No.2: Action Taken Report of the last meeting

The Compliance status as per the decisions of the last Meeting of CGRF held on 19th July, 2013 was discussed.

While perusing the Compliance Report, the representatives of TPL (Ahmedabad and Surat) stated that the printing and distribution of small pamphlets providing details of CGRF and Ombudsman to all consumers alongwith electricity bill were completed.

Item No.3: Review of Performance

While reviewing the quarterly performance report of CGRF for 2nd quarter of 2013-14, Chairman appreciated that almost all the Forums have arranged more meetings in the quarter for redressal of grievances except PGVCL(Bhuj). It was noticed that Grievances registered at Forums have increased which may be due to increase in awareness among consumers regarding functioning of Forums to redress grievances.

The Chair queried to each Forum representative for Grievances pending for redressal for more than 45 days. The representative of MGVCL Forum stated that all pending 3 cases were due to more details asked from license and consumers. The representative of PGVCL - Bhuj

Forum stated that pending 5 cases were due to time limit extension asked by consumers. Members of PGVCL – Rajkot Forum stated that pending cases were due to adjournment by consumers.

Chairman directed that implementation of orders of CGRF shall be reviewed every month by the Chairperson of Forum and status of licensee's compliance against each order that specifies direction to licensee shall be submitted to the Commission alongwith quarterly report.

Member (Finance) queried about settlement /withdrawn cases reported in the quarterly details submitted by TPL Forums. Chairman suggested that in such cases, the forum should pass order for providing brief detail of grievance and reason for settlement/withdrawal.

Member (Finance), GERC also directed that all Forums to redress grievances based on provisions in Regulations notified by the Commission and if any violation is observed of the Standard of Performance specified in Regulations, it shall be reported to the Commission.

(Action : All Forums)

Item No.4: Case Studies :

Presentations were made by the member of UGVCL, PGVCL-Rajkot and Bhuj, TPL Surat Forums and Ombudsman on typical cases.

Gist of the cases is as under:

UGVCL Forum :

Shri R.B.Patel applied for new agriculture connection in the year 2000. During the site survey of registered application in the year 2012, it came to notice that the applicant Shri R.B.Patel had expired. The Sub-division Officer wrote a letter addressed to applicant's name i.e. Late R.B.Patel to submit the name transfer application alongwith documents within 30 days through delivered by RPAD. On a query about the application status at the office by Wife of late Shri R.B.Patel, she informed that application was cancelled due to non compliance of this office letter seeking documents for change of name. The complainant registered grievance at CGRF with request to order, the licensee for reconsideration of old application registered in the year 2000. Forum has collected the details and observed that RPAD notice for change of name was not received by applicant's relative and returned to sender. Therefore, Forum

ordered to respondent to accept name transfer application and provide new agriculture connection with justification that applicant's relatives were not properly informed about submission of document for change of name.

PGVCL – Rajkot Forum :-

Shri B.M.Vadodaria and other four applicants of village Vejagam, Ta: Rajkot had applied for new agriculture connection in the year 1995. During the year 2001, all five applicants have applied for switchover of their application to "Tatkal Scheme" and accordingly respondent had issued estimates. However, these estimates were not paid by all five applicants, the respondent cancelled their applications without further any information to applicants for such cancellation. In the year 2013, all these five applicants inquired about their old registered applications of 1995 at sub division office of the respondent, where they came to know that their applications were cancelled due to non payment of estimates issued as per Tatkal Scheme. Shri B.M.Vadodaria and other four applicants had registered grievance at CGRF, Rajkot with prayer to reconsideration of their original applications registered in 1995. Forum had analysed the case and observed that applicants have waited for such a long period of 18 years for connection and they were also not informed for cancellation of their applications, Therefore, Forum ordered to the respondent, to process all five applications under SPA Scheme and provide agriculture connections.

PGVCL – Bhuj Forum

The Consumer "Shri Bidra Sarvoday Trust" had approached to Forum for cancellation of minimum bill for unconnected release period due to non receipt of TMN notice served by the respondent. The consumer has applied for 225 KVA HT Connection (LT to HT) on 30.01.2013 and paid estimate for the same on 22.03.2013. Also the consumer has executed agreement at the respondent's Office. Respondent had completed the line erection work and issued release order on 25.04.2013. The notice was also served to the applicant to submit test report within two months otherwise minimum bill shall be levied after expiry of two months notice period. Respondent had issued minimum bill of Rs 27,356/- in July 2013. The consumer approached CGRF for cancellation of the same. The consumer has received subsequent minimum bill on 3rd August for Rs 27,356/- and also received the notice for test report just before two days of second minimum bill. During the hearing, Forum observed that the respondent has served the notice for submission of test report by simple post and would not produce any proof of such notice received by the consumer. Therefore, ordered to

respondent to cancel the minimum bill for two months and start billing for minimum bill from Aug 2013 onward.

TPL Forum – Surat

The complainant Mr. Shantilal Virjibhai was the registered customer in s. no 500226145 since 1980. Name transfer was effected in the above service connection and the service was transferred in the name of Ms Rita Dhanani based on the registered sale deed produced. Power theft was detected in the said service connection after the name was transferred. Assessment made in the case was paid by Ms. Rita Dhanani and the connection was restored. The complainant's power supply was not restored though the said service reconnection. The complainant had moved the Hon'ble High Court for restoration of supply in said service connection, as the said connection was alleged to have been illegally transferred in the name of Rita Dhanani on the basis of false documents. The partition deed, executed between the brothers, was duly registered and notarized after the sale deed, establishes the possession of the premises of the complainant. Civil suit for implementation of the partition deed was pending with civil court. No opportunity of being heard was given by the company to the complainant and company had not asked for NOC from complainant before the name transfer was effected. The Hon'ble High Court directed the complainant to represent his case in the Consumer Redressal Forum as per the Redressal mechanism provided in the Electricity Act, the Complainant filed complaint before the Redressal Forum on 2.9.2013 as per directive of Gujarat High Court in SCA No.11463 of 2013. The ground floor was kept for the common use. First floor was possessed by the Elder Brother and the second floor was possessed by the complainant. Partition deed clarifies the possession and ownership of the said premises and establishes the possession of the complainant. However, the said partition deed was challenged in the civil court by the complainant and the matter was sub-judice. Having studied the entire case along with documentary evidences, the Forum concludes that the complainant was not having locus standie as there is an internal family dispute which is pending with Civil Court Surat, as well as the fact that although partition deed is made but not implemented so far. However, the physical possession of the Complainant was established since 1980 which was also validated through site visit by officers of the opponent company, he should not be deprived of availing the electricity in the interest of justice. Therefore, the Forum finds it suitable to provide fresh electric connection on submission of an undertaking by complainant which may not come in way of the prayers sought in the Civil Suit. Accordingly, the Forum, following the principles of natural justice, directed the

Opponent Company to provide electric connection a fresh, on making payment of charges in the Company. The complainant had applied for the new connection on dated 21.10.13 and connection was released to the complainant on dated 22.10.13.

Ombudsman:

The appellant applied for 5 HP agriculture purpose new connections under Tatkal Scheme in 2004. On payment of estimate and execution of agreement, Licensee had completed the line work and issued TMN notice on 16.02.2005. The appellant had submitted the test report alongwith fee of Rs. 20/- on 20.5.2005, but the connection was not released. As per billing record, the connection was “Unconnected released” having consumer No.33029/00315/9. The appellant frequently complained to sub-division, but not responded, hence grievance was registered before CGRF in 2012. E.E. reported that case file was missing and action was not initiated by the concern sub-division (Newly created since 2007) and confirmed that the connection was in “unconnected status” and billing not started. Forum passed order and directed to release connection within 10 days. The appellant complained to Forum by RPAD letter for non implementation of order. The Dy. Engineer, wrote a letter to Appellant that “Though agriculture connection is already granted as consumer No.33029/00315/9, one 5 HP connection already exists in the same survey number as consumer No. 85737/00230/6, hence as per GUVNL letter No.2059 dated 16.08.2012 second connection in the same survey number cannot be released in any case”. The representation registered before Ombudsman on 19.08.2013. Ombudsman passed the order that the Forum has not passed order within the stipulated period of 45 days as per Clause No. 2.44 of Forum Regulations, the Licensee has not complied within 10 days limit specified in the order by the Forum, the Officer concern of Licensee has not furnished a compliance report on order of Forum within seven days to Forum and to complainant. The Forum has not reported to Ombudsman regarding non-compliance of Forum order by Licensee. The Appellant has already submitted Test Report on 20.05.2005, GUVNL letter dated 16.08.2012 cannot be applied for the case of the year 2005. The Ombudsman directed the Licensee to release the said connection within 30 days on receipt of the Order of Ombudsman.

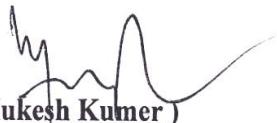
Ombudsman has also put emphasis that, when any Forum passed an order after observing the nature of case falling under section 126/135 of EA 2003 and not in the preview of CGRF as per the Notification 2 of 2011, clause 2.30(ii), then in such cases noting at the end of order for “*filling representation before Ombudsman if aggrieved by order passed by CGRF*” is

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contradictory as in such cases the Ombudsman also has no power vested as per the Notification 2 of 2011, clause 3.17(vi).

Chairman appreciated the presentation made by member of Forums. On a query by Chairman for volunteer to give presentation in next meeting, the members of MGVCL, UGVCL, PGVCL-Bhavnagar and TPL-Ahmedabad Forum have agreed to come over with their presentations.

The meeting ended with a vote of thanks to the Chair.



(Mukesh Kumar)
Secretary, GERC.