

Minute of 22nd Meeting of CGRF and Ombudsman held on 28th June, 2017 at
GERC, Gandhinagar

Venue: Conference room, GERC, GIFT ONE, GIFT City, Gandhinagar

Date : 28th June, 2017

Time : 11:30 AM

The meeting started with greetings to the members of all the Consumer Grievances Redressal Forums (CGRFs) and the Electricity Ombudsman by Hon'ble Chairman, GERC. It was observed that the meeting is being held after a gap of almost one year due to other commitments of the Commission though there is a need for these meetings to be held frequently and efforts will be made to ensure that such meetings are held frequently. It was also observed that Chairpersons of most of the CGRFs are retired employees of distribution companies though the appointments have been made as per Regulations. Hon'ble Chairman stressed on the function of the CGRFs which is redressal of grievances of consumers in efficient manner and timely manner and asked Chairpersons of CGRFs to ensure that CGRF remains an independent quasi-judicial body. Hon'ble Chairman emphasized that Independent members appointed by the Commission should proactively participate in the redressal process keeping in mind the interest of the consumers. Hon'ble Commission shall provide the support required for efficient functioning of CGRFs. Chairperson of CGRF – DGVCL put across a point that all the good work done by CGRFs should also be brought forward to which Hon'ble Commission agreed upon.

Thereafter discussion took place on agenda item.

Agenda 1: Approval of Minutes

Minutes of 21st Meeting for review of performance of Consumer Grievances Redressal Forums and Ombudsman held on 19th May, 2016 as circulated to the members of CGRFs and Ombudsman vide letter dated 10/05/2016 were confirmed as no comments were received from any of the members.

Agenda 2: Review of Performance

The Commission reviewed the performance of CGRFs and Ombudsman.

While reviewing the performance reports of CGRFs and Ombudsman, Hon'ble Member (Finance) observed that number of complaints pending to be resolved at the end of the FY 2016-17 is large in case of PGVCL Bhavnagar CGRF. On inquiring about reasons for such large number of pending grievances, the Commission was informed by the In-charge Chairperson, PGVCL CGRF – Bhuj that a large number

of complaints are received related to non-receipt of estimate for getting new agriculture connections and related to billing. The Commission was also informed that one of the reasons for such large number of complaints related to new agriculture connection estimate is the applicants for new connections are being served estimate after ten years or so due to huge pendency of the applications. In the period of ten years, situations may have altered which includes division of land amongst legal heirs, death of original applicants, sell of land where the connection was applied for etc. When the licensee issues an estimate to such applicants, the estimate remains unserved as the original applicant is not available to receive the registered post sent by the licensee. The legal heirs or the new owner of the land being unaware about the issuance of estimate does not turn up at appropriate time. However, when they come to know about the pendency of their application for getting new agriculture connection in their land, a considerable time may have been lapsed. This gives rise to grievance and CGRF is being approached to redress. Since, the matter being very old and there has been restructuring in the administrative units of the licensee records are not traced or available with the licensee's sub-division offices. Due to this, more time is required by CGRF to dispose of the grievance judicially.

The Commission expressed need to take appropriate steps from now onwards so that such type of complaints about non-receipt of estimate by applicants does not arise in future. Member-Technical CGRF Bhuj apprised the Forum that a practice has been started in PGVCL to seek fresh land documents from the prospective consumer while surveying his application for new agriculture connection. This takes care about issues of death of original applicant, change of land ownership to legal heirs or to a new person, etc. Appropriate formalities for getting the name changed to the new land owner, if required, is being completed prior to issuance of estimate. The mobile number or contact number are also being obtained from the applicant. Phone calls and SMSs are being made to the applicant intimating them about the progress of their applications. An utmost care is being taken by the PGVCL so as to avoid such case of non-payment of estimate by the applicant. It was also apprised to the Forum that faulty meter replacement has been pro-actively taken up by PGVCL so as to minimize billing related complaints. Chairperson of CGRF, DGVCL stated that now-a-days it has become easy to get the land documents online excluding the cases where heirship documents are required. This facilitates the applicant for new agriculture connection to update their records with the licensee prior to getting an estimate for new connection. While appreciating the practice adopted by PGVCL,

Minute of 22nd Meeting of CGRF and Ombudsman held on 28th June, 2017 at
GERC, Gandhinagar

the Commission emphasized on the need for analysis of complaints registered with CGRFs to find out the nature of complaints and to suggest procedural change required at licensee's level so as to minimize such type of grievance in future. The work for analyzing the past complaints and suggesting way forward to minimize such type of complaints was entrusted to the Independent Member of the CGRFs by the Commission. The Commission instructed Member-Technical to co-operate Independent Members in this task.

The Commission also found the need to educate consumers as one of the functions of CGRFs is also to educate consumers about their rights to which Chairperson of DGVCL Forum voiced his opinion that Gram Sabhas are being arranged on quarterly intervals and consumers may be educated by licensee's officers about the functions of CGRFs during Gram Sabha meetings.

The Commission also observed that in case of PGVCL CGRF-Rajkot, number of complaints received during fourth quarter of FY 2016-17 is large, to which, Chairperson of PGVCL CGRF Rajkot informed that majority of the complaints are related to replacement of conductor in the distribution network in coastal areas where conductors get eroded speedily due to environmental conditions.

The Commission found it strange to note that in case of TPL Surat CGRF, number of complaints resolved in favour of consumers during the year 2016-17 is Nil. On a query about all the complaints resolved in favour of licensee, Member-Technical of TPL Surat CGRF stated that most of the complaints were related to dues on old premises where new occupants of the premises are denying to pay old dues on such premises. On inquiring whether the Regulations permit to recover old dues from new occupants, it was informed that as per the Regulations, distribution licensees are entitled to recover old dues of the premises from new occupants at the time of application of electricity connections after availing appropriate legal remedies to recover old dues from previous consumers. It was decided that staff of the Commission will analyse the grievances redressed by TPL Surat CGRF during FY 2016-17 and submit a report to the Commission.

The Commission appreciated the performance of CGRFs during FY 2016-17. The Commission also found it necessary to call for information from the licensees whether all the orders issued by CGRFs are implemented by the distribution licensees

(Action: Staff of the Commission and Independent Members of CGRFs)

Agenda 3: Presentations on sample case by CGRFs

It was decided during 21st Meeting of review of CGRFs and Ombudsman that CGRFs of PGVCL-Bhuj, PGVCL-Rajkot, UGVCL, TPL-Surat and Ombudsman will present judgment issued on a typical case during this meeting and accordingly presentations on typical cases were made by the respective CGRFs.

A brief summary on the presentations is as under:

PGVCL Bhuj Forum:

Complainant registered application for new connection on dt. 05.01.2011. Firm quotation was issued to the complainant on dt. 31.05.2013 by PGVCL. However, due to non-payment of firm quotation by the complainant within time line, the said application was cancelled. The complainant represented before CGRF that they have not received estimate from PGVCL.

The Forum studied the records available with PGVCL and also inquired with the Post Office authorities about issuance and delivery of estimate to the complainant. Since, the record of PGVCL was not enough to establish whether the complainant has been served an estimate and denial of the Post Office authorities of having records older than one and a half year, the CGRF ordered in favour of the complainant. PGVCL was ordered to issue a fresh quotation to the complainant after observing all the formalities. The order of the CGRF was implemented by PGVCL.

Hon'ble Commission expected that in view of the initiative taken by PGVCL to collect fresh documents and details of the new agriculture connection applicant at the time of survey and updating the applicants about the progress of their applications, this type of complaints shall not arise in future. However, Member (Finance) advised all the licensees to adopt the practice laid down by the PGVCL and explore the possibility to send SMS to the applicant intimating them about the progress of their applications in Gujarati language also.

PGVCL Rajkot Forum:

Complainant was issued bill of 1688 units for an amount of Rs. 12917 for residential single phase lighting connection having connected load of 0.560 kW only. Aggrieved by the bill, the complainant sought meter testing. The meter of the complainant was tested at PGVCL laboratory and declared technically in - order. Aggrieved by the laboratory report the complainant approached CGRF. The CGRF

directed PGVCL office to submit MRI data of the meter under dispute and also get the disputed meter tested by the meter manufacturing company.

On studying the report received from meter manufacturer the Forum observed that battery of the said meter was leaking resulting into non-functioning of real time clock and non-functioning of memory. Under the circumstances, display of the meter cannot be considered authenticate. In view of above, PGVCL was directed to revise the bill as per stipulations of GERC Supply Code Regulations,2015. Order of CGRF is implemented by PGVCL.

Hon'ble Commission felt that at the first instance if MRI data of the meter would have been studied by laboratory or concerned sub-division office, non-functioning of real time clock would have been identified. This may have resulted into early redressal of consumer complaint. It was advised by the Hon'ble Commission to analyse such complaint at full depth by the licensee so that a small consumer like the case above need not to run upto CGRF. The licensees may look into the suggestion and lay down an appropriate procedure in this regard. PGVCL CGRF shall apprise the appropriate authority of the licensee about the suggestion of Hon'ble Commission and report the outcome of the deliberation with the licensee in this regard during the next meeting.

(Action: CGRF PGVCL- Rajkot)

UGVCL Forum:

Complainant having 250 kVA HT electricity connection applied for reduction of load from 250 kVA to 170 kVA on 02.02.2016. The complainant was served an estimate on 24.08.2016 which includes CTPT shifting charges. The complainant approached the CGRF with a request to revise the estimate removing CTPT shifting charges as there is no need to shift the location of CTPT which was decided by UGVCL at the time of releasing the connection. CGRF instructed UGVCL to verify the site again and give a factual report. After site visit, it was observed that where the CTPT is located there is an operating gate of enough size and having appropriate approach for carrying out reading and vigilance activity. Thus, there is no need to relocate the CTPT unit. Also, the complainant consented to keep the second gate which is near to CTPT unit in working position to facilitate checking of electricity connection.

In view of the above, the Forum ordered UGVCL to revise the estimate for load reduction removing CTPT unit shifting charges. The complainant paid the estimate on 13.01.2017. CTPT unit replaced by UGVCL on 17.01.2017. Effect of load reduction was given by UGVCL from the date of replacement of CTPT unit i.e. 17.01.2017. The complainant again approached to the Forum aggrieved by effect of load reduction given from the date of replacement of CTPT unit i.e. 17.01.2017, instead from the date of application for load reduction i.e. 02.02.2016. The Forum observed that estimate was not issued by UGVCL within the time line specified in the GERC Supply Code Regulations, 2015 and asked UGVCL to give effect of load reduction from 03.03.2016 i.e. after 30 days from the date of registration for reduction of load.

The Commission appreciated proactive approach taken by the Forum.

TPL Surat Forum:

The complainant who is a developer of residential and commercial properties asked for electricity connection for commercial complex named Jamnaba complex and residential property named Shivalik Residency. TPL Surat demanded space for distribution sub-station from the complainant which the complainant agreed to provide during initial phase of construction but later at advanced stage, refused to provide such space for sub-station and asked TPL to provide electricity connections from nearby existing sub-stations where loadings on both sub-stations are approximately 40% and 41% arguing that electricity connection to Shivalik Residency has already been provided from the existing sub-station. TPL represented that the said sub-stations are 250 metres and 300 metres away from Shivalik Residency and both the sub-stations are not augmentable. Further, electricity connections provided to Shivalik Residency from Popat sub-station was temporary connection for construction activity only. Moreover, margin for future load growth in Popat and Shraddha sub-stations are required to be kept.

The Forum observed that TPL's demand of space for sub-station is viable and in accordance with GERC Supply Code Regulations, 2015 and ordered accordingly. The complainant then approached to the Electricity Ombudsman aggrieved by order of the Forum where the Electricity Ombudsman observed that decision taken by the Forum is in order and as per GERC Supply Code Regulations, 2015.

The Electricity Ombudsman

The complainant having commercial category connection applied for permanent disconnection on 31.08.2012 and requested for refund of security deposit by submitting receipt of security deposit paid. The said request of refund was again made by the complainant to PGVCL on 01.11.2014. PGVCL sent a cheque of security deposit refund amount on 12.01.2015 which was returned by the complainant raising objection of non-payment of interest amount. Objection was raised by the complainant vide letters dated 13.03.2015 and 11.12.2015 but such letters were not replied by PGVCL. The complainant then approached CGRF Bhavnagar seeking refund of security deposit along with interest and compensation for delay in refund of security deposit amount.

The Forum observed that the complainant made a request for permanent disconnection of electricity connection on 31.08.2012 and accordingly the said connection was disconnected on 09.10.2012. At the time of permanent disconnection of the connection, no dues were pending and therefore, charges assessed by PGVCL was treated as cancelled. On the request of refund of security deposit amount, Rs. 2411 were refunded against security deposit amount of Rs. 3500. Several representations were made to PGVCL for refund which were not replied by PGVCL. The complainant then asked for refund of security deposit amount along with interest on 05.05.2015. The Forum directed PGVCL to refund the amount of Rs. 3500 of security deposit along with interest without compensation. The complainant then approached to the Electricity Ombudsman aggrieved by the order of the Forum as the complainant was denied compensation by the Forum. However, the Forum had directed PGVCL to take disciplinary action against concerned officer.

The Electricity Ombudsman observed that the GERC Security Deposit, Regulations 2005 mandate distribution licensee to refund security deposit after adjustment of dues within 30 days. The Electricity Ombudsman also observed that the complainant is eligible for compensation in accordance with the compensation clause of GERC Standard of Performance Regulations, 2005. The request of compensation was not properly addressed by the Forum. In view of the above, the Ombudsman directed PGVCL to refund security deposit amount along with interest as per order of the Forum and also provide compensation amount of Rs. 500. PGVCL was also directed to take disciplinary action against concerned officer of PGVCL as directed by the

Minute of 22nd Meeting of CGRF and Ombudsman held on 28th June, 2017 at
GERC, Gandhinagar

Forum within 60 days. The complainant was provided with compensation of Rs. 500 by PGVCL.

Copy of these presentations are kept at Annexure-1.

Hon'ble Chairman appreciated the presentations made by the representatives of the forum.

The representative of the Electricity Ombudsman pointed out that some of the Forums do not specify in their order that if the consumer is aggrieved by the order of the CGRF then he or she can approach the Electricity Ombudsman within specified time period after paying 1/3rd amount (if any) as per the CGRF order to the licensee. The Forums are required to intimate the complainant about the contact details of Electricity Ombudsman along with every order. The Forums were directed by the Commission to strictly adhere to the provisions of GERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2011.

Chairperson of UGVCL Forum raised the issue that every order of the Forum is being sent to the Corporate Office for decision on whether to implement the said order or go against it and thus causing delay in implementation of the order. The Commission assured that letter will be sent to MDs of distribution utilities to emphasize on implementation of orders of the Forums where orders are not concerned with financial implications, rather than wasting time on deliberation on each and every order.

It was decided that the forums of PGVCL-Bhavnagar, MGVCL, DGVCL, TPL-Ahmedabad and Ombudsman shall make presentation on a typical case during the next meeting. Hon'ble Chairman also reiterated that presentation be sent to MDs of distribution utilities to make them sensitive towards grievance of consumers and also advised the Forums to make the presentations accordingly. Hon'ble Chairman also emphasized on image building of the Forums where consumers have trust on the Forums for fair redressal of their complaints.

Minute of 22nd Meeting of CGRF and Ombudsman held on 28th June, 2017 at
GERC, Gandhinagar

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

-Sd-

(Roopwant Singh, IAS)

Secretary

Gujarat Electricity Regulatory Commission

Gandhinagar

Minute of 22nd Meeting of CGRF and Ombudsman held on 28th June, 2017 at
GERC, Gandhinagar

List of Participants

Members Present:

1. Shri Anandkumar, Chairman, GERC, Gandhinagar
2. Shri K. M. Shringarpure, Member, GERC, Gandhinagar.
3. Shri P.J.Thakkar, Member, GERC, Gandhinagar.
4. Shri Dilip Raval, Electricity Ombudsman, Ahmedabad

Chairpersons / Members / Representatives of Consumer Forums:

1. Shri P.J.Patel, Chairperson, MGVCL Forum.
2. Shri T.B.Bhimani, Chairman, PGVCL (Rajkot) Forum
3. Shri A.M.Dhebar, Chairman, PGVCL (Bhuj) Forum and In-charge Chairman PGVCL (Bhavnagar) Forum
4. Shri J. B. Parekh, Chairman, UGVCL Forum
5. Shri P. P. Shah, Chairman, TPL (Surat) Forum
6. Shri Mukesh B Thanki, Independent Member, TPL (Ahmedabad) Forum
7. Ms. Kokilaben J Motani, Independent Member, PGVCL (Rajkot) Forum.
8. Ms. Nitinaben H Joshi, Independent Member, PGVCL (Bhuj) Forum.
9. Shri B. J. Dave, Independent Member, PGVCL (Bhavnagar) Forum.
10. Ms. Harsha S.Chauhan, Independent Member, MGVCL Forum.
11. Shri Keshavlal M.Patel, Independent Member, UGVCL Forum.
12. Shri Pratap V. Chhapria, Independent Member, DGVCL Forum.
13. Shri P. H. Mavani, Technical Member, PGVCL (Bhavnagar) Forum.
14. Shri P. R. Vyas, Technical Member, PGVCL (Bhuj) Forum
15. Shri B.R. Icecreamwala, Technical Member, DGVCL forum.
16. Shri B. J. Upadhyay, Technical Member, MGVCL Forum.
17. Shri G. H. Engineer, Technical Member, UGVCL Forum.
18. Shri Nikhil Shah, Technical Member, TPL (Ahmedabad) Forum.
19. Shri D. R. Panirwala, Technical Member, TPL (Surat) Forum
20. Shri K.D. Viradia, Convener, PGVCL (Rajkot) Forum.
21. Smt. S. N. Vahonia, Convener, PGVCL (Bhuj) Forum
22. Shri J. S. Joshi, Convener, PGVCL (Bhavnagar) Forum.
23. Shri P.M.Patel, Convener, DGVCL Forum.
24. Shri B. C. Majmudar, Convener, MGVCL Forum.
25. Shri J.N. Sahijwani, Convener, UGVCL Forum.
26. Ms. Mansi P. Joshi, Convener, TPL (Ahmedabad) Forum.

Minute of 22nd Meeting of CGRF and Ombudsman held on 28th June, 2017 at
GERC, Gandhinagar

27. Shri. P. A. Mevcha, Convener, TPL (Surat) Forum.

Officers of the Commission

1. Shri S.T. Anada, Joint Director (Technical)
2. Shri P.J. Jani, Deputy Director (Legal)
3. Shri K.J. Bhuva, Deputy Director (Technical)
4. Shri Santoshkumar Asipu, Executive (Technical)
5. Shri K.M.Thanki, Executive (Technical)
6. Ms Shabana Dal, Executive (Technical)