



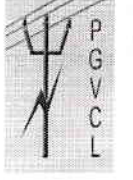
પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

ગ્રાહક તકરાર નિવારણ ફોરમ

ઝોનલ કચેરી, "વીજ સેવા સદન", ચાવડી ગેટ, ભાવનગર.

CIN : U40102GJ2003SGC042908

e-mail: forumbhavnagar.pgvcl@gebmail.com



ક્રમાંક: બીએડ/ફોરમ/૪૮/૨૧-૨૨/ 323

તારીખ: 12 9 JAN 2022

આર.પી.એ.ડી.

પ્રતિ,

મે.મધુ સિલ્હીકા પ્રા.લિ.

પ્લોટ નં-૧૪૭, જી.આઈ.ડી.સી,

વરતેજ,

ભાવનગર-૩૬૪ ૦૬૦.

મો.નં-૦૨૭૮-૨૫૪૧૭૬૬, ૨૫૪૦૮૦૦

કેસ નં-૪૮/૨૧-૨૨

વિષય : ડિમાન્ડ ચાર્જીસ ના રીફંડ પર વ્યાજ મળવા બાબત.

સંદર્ભ : (૧) આપનો પત્ર તા.૨૬/૦૮/૨૦૨૧ જે અત્રેની કચેરીને મળ્યા તા.૨૭/૦૮/૨૦૨૧.

(૨) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૮/૨૧-૨૨/૨૬૪૮ તા.૦૪/૦૯/૨૦૨૧.

(૩) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૪૮/૨૧-૨૨/૩૬૪૮ તા.૦૮/૧૨/૨૦૨૧.

જાહેરાત ❁ જાહેરાત

શ્રીમાન,

આપની ઉપરોક્ત વિષયના સંદર્ભમાં આપના દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગર સમક્ષ કરેલ રજુઆતના સંદર્ભમાં આપશ્રીને ફોરમ સમક્ષ તા.૨૨/૧૨/૨૦૨૧ નાં રોજ સાંભળવામાં આવેલ. જેના સંદર્ભમાં ગ્રાહક ફરિયાદ નિવારણ ફોરમ દ્વારા આપવામાં આવેલ ચુકાદો આ સાથે સામેલ છે.

આપશ્રીની જાણ સારૂ.

Ravi

કન્વીનર,

ગ્રાહક ફરિયાદ નિવારણ ફોરમ
પીજીવીસીએલ., ઝોનલ કચેરી ભાવનગર.

Olens

❏ બિડાણ:- ઉપર મુજબ.

પ્રતિ: કાર્યપાલક ઈજનેરશ્રી,

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

શહેર વિભાગીય કચેરી-૨, ભાવનગર.

.....ગુજરાત વિદ્યુત નિયંત્રક આયોગના જાહેરનામા નં. ૨/૨૦૧૧ની કલમ નં. ૨.૫૨ મુજબ સદર હુકમનાં પાલન અંગે થયેલ કાર્યવાહીનો જરૂરી અહેવાલ અત્રેની ફોરમ કચેરીને ફરજીયાત પાઠવવાનો રહેશે.

❏ નકલ રવાના:-

શ્રી અધિક્ષક ઈજનેર, પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ, વર્તુળ કચેરી, ભાવનગર.



(ગ્રાહક ફરિયાદ નિવારણ ફોરમ, પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ, ભાવનગર સમક્ષ)

ગ્રાહક ફરિયાદ નિવારણ ફોરમ,
પ.ગુ.વી.કે.લિમિટેડ, ઝોનલ ઓફિસ,
"વીજ સેવા સદન", સવલી રોડ,
ભાવનગર.

કેઈસ નંબર - ૪૮/૨૧-૨૨

વાદી :- મધુ સિલીકા પ્રા.લિ., વરતેજ, ભાવનગર.

◇ વિરુદ્ધ ◇

પ્રતિવાદી :- પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

◇ રજૂઆતની તારીખ:- ૨૨.૧૨.૨૦૨૧ ◇

હાજર રહયા :- મધુ સિલીકા પ્રા.લિ. વતી અધિકૃત પ્રતિનિધિ શ્રી વી. એલ. શાહ.

પ્રતિવાદી :- શ્રી .વાય.આર. જાડેજા, કાર્યપાલક ઈજનેર, શહેર વિભાગીય કચેરી-૨, ભાવનગર.
(પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ વતી)

મે.મધુ સિલીકા પ્રા.લિ. દ્વારા એચ.ટી.કને.નં-૨૩૮૬૫, ડિમાન્ડ ચાર્જીસ ના રીફંડ પર વ્યાજ મળવા બાબતની રજૂઆત કન્વીનરશ્રી, ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગરને મળતાં, ફોરમે તેનાં ફરિયાદ રજીસ્ટરમાં ક્રમાંક : ૪૮/૨૧-૨૨ થી નોંધી તેનાં યોગ્ય નિરાકરણ માટે અધિક્ષક ઈજનેરશ્રી, વર્તુળ કચેરી, ભાવનગરને પત્ર નં.બીએડ/ફોરમ/૪૮/૨૧-૨૨/૨૬૪૮ તા.૦૪.૦૯.૨૦૨૧ થી વાદીશ્રીની જાણ હેઠળ મોકલી આપેલ.

આમ છતાં, ફોરમે વાદીશ્રીને તેમની ફરિયાદ બારામાં લેખીત / મૌખિક રજૂઆત કરવા તા.૨૨.૧૨.૨૦૨૧ ના રોજ ઉપસ્થિત રહેવા જણાવેલ. જેમાં વાદી મધુ સિલીકા પ્રા.લિ.વતી અધિકૃત પ્રતિનિધિ વી. એલ. શાહ હાજર રહેલ તથા પ્રતિવાદી તરફે શ્રી વાય.આર. જાડેજા, કાર્યપાલક ઈજનેર, શહેર વિભાગીય કચેરી-૨, ભાવનગર ઉપસ્થિત રહેલ.



Representation - 1 by Appellant : M/S. Madhusilica Pvt.Ltd.

Complain -1

We are a Company registered under company's act and engaged in manufacturing of chemical products and having our plant situated at Plot No. 147 and 7 to 12, Vartej GIDC, Opp. 220 KV S/S, Vartej - 364004 Tal & Dist. Bhavnagar.

We are EHT Consumer with PGVCL (City-2) Division Bhavnagar having connection No.23865 and present contract demand of 8250 KVA under HTP1 tariff.

We are also receiving power from entities other than Distribution Licensee PGVCL and defined as open access customer in line with GERC notification 3 of 2011. We had traded power under bilateral agreement of from energy exchange. To Promote renewable energy, we have established wind power generators and solar generation plants also.

On scrutiny of bills by our audit department, it is found that the demand charges collected by the distribution licensee PGVCL is not in line with GERC open access regulation notified vide notification 3 of 2011. So, we had asked for the refund of excess demand charge collected by respondent, vide our letter dtd. 01.10.2018. But, the refund was delayed under disguise of one or the other reason or no reason at all. The refund amount is credited to our account on 02.07.2021 after nearly 3 years.

This is a clear loss to our company as the respondent had purposefully delayed the refund so we are filling the application to Hon'ble forum to direct the respondent to allow interest at the rate of specified in tariff order.

Fact of the Matter :

(1) We started open access in year 2014 in line with the GERC open access Regulation -2011. It is clearly mentioned in the tariff order of all respective years that the demand charges should be collected for the power supplied by the distribution licensee but the respondent had defied the GERC order and collected maximum demand charge as recorded in the meter.

(II) During our internal audit, the matter is noticed and we filed an application for revising the bill as per regulations and request to allow us refund for the difference of actual demand charge and incorrect charges collected by erroneous consideration of maximum demand recorded in the meter as billing demand.

At this stage, we would like to draw your attention on the fact that special meetings of account staff of every department held at time of starting of open access and accordingly billing was started in 2011 in Kutch circle of the respondent's company PGVCL.

We wrote a letter dtd.01.10.2018 (**Enclosure -2**) to the respondent for revision of the bills when open access power is availed by our company.



(III) No action is initiated by the respondent in violation of all SOP, GERC regulations, Circular etc. Just to deprived us from our legal right to eradicate the mistake made by the respondent.

(IV) After several verbal reminders, we wrote a reminder dtd. 06.11.2019 (**Enclosure - 3**) to take action on our earlier letter. In response to our letter, the respondent had conveniently **ignored our letter dtd.01.10.2018 and registered our reminder dtd.06.11.2019 as application** in consumer grievance Redress committee formed at Division level having two members comprising of respondent and his subordinate Deputy Engineer and gave order dtd.11.11.2019 and rejected our application (**Enclosure -4**) with a reason that the application is not considered, as the same is registered after 3 years.

(V) Against this unauthorized order, we immediately filed an application in CGRF at Bhavnagar on 21.11.2019. The CGRF had issued order dtd.03.03.2020 but the same is dispatched vide forwarding dtd.06.06.2020 (**Enclosure -5**) directing the respondent to revise the bill with demand recorded for power supplied by PGVCL only. The CGRF had ordered to revise the bill as per Open Access Regulations and directed to make refund within 30 days from the date of the order.

(VI) For the reasons best known to the respondent, no action is initiated for refund within stipulated time limit of 30 days. We write a reminder for implementation of CGRF order on 29.08.2020 (**Enclosure -6**). No reply is received and verbal inquiry is not attended.

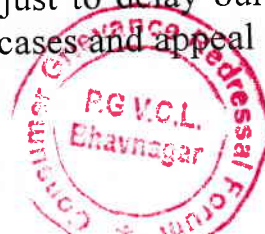
(VII) In continuation with actions so far of disobeying order and regulations and just to delay justice to us, a review application was filed on 20.09.2020 (**Enclosure -7**) with CGRF and surprisingly, the same is accepted by the Hon'ble CGRF. The CGRF quashed the application in its order dtd..... (**Enclosure -8**)

(VIII) At this stage, no option is left with the respondent except to revise the bill and give refund to us. But again, no action is initiated by the respondent to obey the law and directive from CGRF, a quash judicial body form under Indian Electricity Act-2003 and related GERC Regulations.

(IX) We were compelled to represent the matter to the Managing Director of the by our letter dtd.10.04.2021 (**Enclosure -9**). Ultimately, the refund amount is granted to us on 02.07.2021 in normal energy bill of June - 2021.

(X) As the billing mistake is there since 2014 and attention drawn on the same since 2018 and we received our due refund in Mid - 2021, we request the respondent to allow interest on the refund vide our letter dtd.12.07.2021 (**Enclosure -10**) but the same is denied by the respondent without assigning any reason or quoting regulation for the denial (**Enclosure -11**)

(XI) This illegal action by the respondent just to delay our legally due amount with trivial reason and by filling of unnecessary cases and appeal in legal forums under



electricity act, had resulted in irreversible loss of interest to our company. We file this application to the CGRF of PGVCL to direct the respondent to pay interest on refund from the date of wrong billing.

Ground For Representation:

The Hon'ble CGRF is requested to consider following points while deciding the matter.

(a) When Open access is introduced in Gujarat, special workshops are arranged at various levels to apprise the account staff for how to make the billing of open access consumers. The Circle Office of PGVCL like Kutch Circle has implemented the correct procedure from beginning but many divisions had continued wrong billing of OA Consumers.

(b) As per tariff order

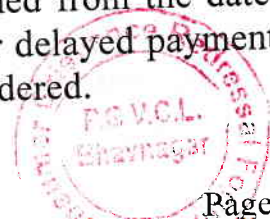
The ACE(R&C) PGVCL, Corporate Office has written a letter to the superintending Engineer (Morbi) on dtd.30.12.2016 (**Enclosure -12**) Which squarely apply to our case, the related para is reproduced below for your ready reference place.
" It is pertinent to mention that, "Excel" sheet showing working of energy account for the open access consumers has been provided to all concerned Division Office who are having search consumers in their jurisdiction. **The "Excel" Calculation sheet itself provides for working of maximum demand supplied from PGVCL for the purpose of recovery of demand charges from such consumers.** This kind of working sheet is also found to be annexed along with your referred letter itself. **In spite of this, strangely, this has not been followed by concerned Divisions.**
(Emphasis Provided).

(c) Our letter dtd.01.10.2018 is not considered by the respondent and not even cared to acknowledge the same. As per GERC standard of performance of distribution licensee Notification No.10 of 2005, Chapter - X complaints regarding Electricity bills says that,

10.1 The licensee shall acknowledge a consumers complaint on wrong billing or incorrect application of tariff or non-receipt of bill or inadequate time allowed to effect payment, immediately if reported in person or telephonically and within 07 working days if the complaints is received by post.

10.2 The licensee shall resolve a complaint about Electricity bills regarding arithmetical errors or non-receipt or inadequate time for payment, on the same day if made in person and on the day of acknowledgement, if complaint is made by post. In other case and also, where any additional information is required to be collected, the complaint shall be resolved within 10 days of receipt. If a site visit is required for collection of additional information, the complaint shall be resolved within 15 days.

10.3 In case the complaint of the consumer is genuine and revision of bill becomes necessary, the due date for payment of bill would be reckoned from the date of the revised bill. For purpose of calculating additional charges for delayed payment or for disconnection of supply, the date of revised bill shall be considered.



10.4 If a disconnected consumer requests for details of amount due, including reconnection and other charges it shall be treated as a complaint.

As Per GERC Supply Code – 2015

6.70 On receipt of the complaint, the licensee shall issue a written/Electronic acknowledgement on the spot and give a complaint Number for reference.

6.71 If no additional information is required from the consumer, the licensee shall resolved the consumers complaint and intimate the result to the consumer within 07 days of receipt of the complaint. In case, any addition information is required, the same shall be obtained the issue resolved and result intimated to the consumer within 10 days of receipt of the complaint, however, if the consumer does not provide information on time, the licensee shall not be held liable for the consequent delay. Till the complaint on the bill is resolved, the consumer shall pay the amount based on Average Consumption of last 03 consecutive undisputed bills. Amount so recovered shall be subject to final adjustment on resolution of the complaint.

The respondent has not cared for the regulations stated above and neither acknowledged the complaint and nor initiate any action to resolved the same. As per above regulations the complaint should be resolved within 15 days. But, responded had not taken any step to resolved the same for more than one year.

When we reminded the respondent that no action is taken on our application for one year, the respondent had not replied and **the remainder is considered as fresh complain.**

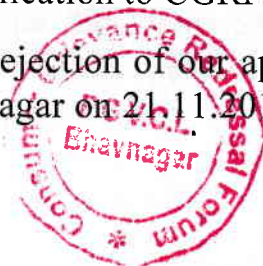
(d) Our reminder is considered as application to Divisional level CGRC as case No.2 of 2019-20. The CGRC committee is not a part of the GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2019, Notification No.02 of 2019. The CGRC is formed as part of Grievances Redressal Mechanism at Local Level and is not having any legal or Quasi judicial status. In our point of view CGRC can not issue any order but if the grievances is not resolved then direct the consumer to contact CGRF.

Anyway, CGRC issued an order dtd.11.11.2019 (**Enclosure – 4**) and denied our plea or refund.

In the said order it is mentioned that as per guideline received vide Corporate Office letter dtd.12.02.2019, as the complaint is made after 03 years it is not sustained.

The Hon'ble CGRF should not that **in response to our application dtd.01.10.2018, the respondent had asked the guideline from Corporate Office and received the same on 12.02.2019** but we were not informed about the same and intentionally kept in dark so that we cannot file application to CGRF.

(e) Against this mock drama of rejection of our application by the respondent we file an application in CGRF at Bhavnagar on 21.11.2019. The CGRF of PGVCL at



Bhavnagar had finalized the order on 03.03.2019 but due to COVID-19 Pandemic the same is circulated on 06.06.2021 (Enclosure – 5)

As per Order,

3.9 In view of aforesaid observations, respondents is directed to work out revised bill for the period Jan-14 to July-16 as per regulation 32 (3) and refund charges to complainer's account within 30 days.

(f) For normal case, the matter can be now considered resolved but the respondent was still in no mood to give refund to us. No action was taken for refund to us within 30 days in line with CGRF order. The respondent had decided to direct challenge the supremacy of the authority formed under Indian Electricity Act-2003.

To Complicate the matter further, a review application is file on 20.09.2020 (Enclosure – 6) after more than 100 days of the CGRF order.

As per regulation 2.64 of GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2019(Notification No.02 of 2019).

Review of Order

2.64 Any person may file an application for review of order before the forum, on Ground of discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent on the face of the record, within 30 days of the date of the order, as the case may be.

The review application is filed after 100 days without any delay condone request. Also, none of the ground required for review application is provided in the review application. Yet, the same is accepted by the forum but considering the legal aspect, the Hon'ble CGRF has rejected review application vide its order dtd.20.10.2020 (Enclosure – 7)

(g) The refund is still ahead of our fate and same is not granted to us immediately. We represent the matter to the Managing Director of Respondent Company PGVCL and to the Minister of Energy, Government of Gujarat intervene in the matter on 10.04.2020 and ultimately the refund is granted on 2nd of July 2021 after nearly 3 years of the complaint.

(h) As per GERC tariff order for 2020-21 the related Para of tariff order which is not changed in earlier order also is reproduced below.

15. Delayed Payment Charges for all Consumers.

- No Delayed Payment Charges shall be levied if the bill is paid within ten days from the date of billing (Excluding date of billing).
- Delayed Payment Charges will be levied at the rate of 15% per annum in case of all consumers accept Agricultural Category for the period from the due date till the date of Payment if the bill is paid after due date. Delayed Payment Charges Will be

- levied at the rate of 12% per annum for the consumer governed under rate AG from the due date till the date of payment if the bill is paid after due date.
- For Government dues the delayed payment charges will be levied at the rate provided under the relevant Electricity Duty Act.

As per the tariff Order, the delay payment charge should be levied at the rate of 15 % per annum. The respondent had made mistake in calculation of bill since January 1914, so as per actual the interest should be granted from that date.

Even, if it is assumed that the mistake at the time of billing is considered as a bona-fide mistake, but the interest should be granted from the date of our first application to the respondent, which is kept under pile of papers for more than one year just to have illegal monitory benefit to the company of respondent. It is misuse of monopoly power by the respondent company.

Our Prayer :

- (a) Please direct respondent to file reply, if any before reasonable time from the date of hearing of the matter in the forum and send a copy to us in advance.
- (b) Hon'ble forum is requested to direct the respondent to grant us interest on the refund amount from the date of first application dtd.01.10.2018 till the date of payment 01.07.2021.
- (C) Any other relief the CGRF considered in the matter should be granted.

Representation – 2 by Appellant : M/S. Madhusilica Pvt.Ltd.

Complain – 2

Reference : Case No.48/21-22.

Reply from Respondent : vide No. BCD-2/EE/7158 dtd.16.12.2021.

Hearing Date : 22.12.2021.

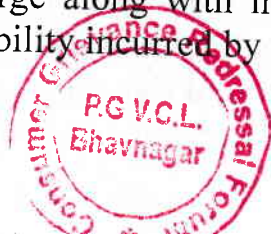
We are further to above sited references.

The Hon'ble Forum is requested to consider the following points further to our written application and oral arguments.

- (1) The Matter is not regarding any supplementary bill issued to us with any reason. The matter is regarding collection of payment exceeding the tariff determined by the state regulatory body i.e. Gujarat Electricity Regulatory Commission.

Section 62(6) of the Indian Electricity Act-2003 says that,

If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee.



In our Case, as per tariff order, the demand charge is to be collected for the demand supplied by PGVCL only. But PGVCL had collected demand charges, more than the authorised by the state Commission so interest should be paid as per provision of Indian Electricity Act-2003.

(2) We had drawn the attention of the respondent regarding this abnormally, way back in year 2018 vide our letter dtd.01.10.2018 but no communication/further action initiated for refund till our reminded dtd.06.11.2019. This intentional delay even after knowing the matter and clarification issued by Corporate Office in 2016, is supporting our demand for interest.

(3) The Ombudsman order is dtd.06.06.2020 with a directive to give refund as per order within 30 days. Just to further delay the matter, a review application filed after 3 months on 20.09.2020 though it is to be filed within 30 days. Obviously, the same was rejected as no substantial proofs are produced for review as per GERC Notification No.3 of 2019. Yet, the refund is not granted for the reason only known to the respondent. After constant perusal, the refund is granted in bill of July-2021 exactly after 12 months from the date of Hon'ble CGRF order, defying the order itself.

The Unusual delay made at every stage can led to conclusion that the respondent had delayed the refund intentionally and violated Indian Electricity Act -2003 and related GERC regulations.

The Hon'ble CGRF is requested to consider the facts and regulation and prayed to grant us refund from the date of billing or whatever deemed fit in the eye of justice.

Representation-1 by Respondent : PGVCL

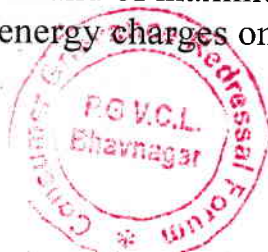
M/S. Madhu silica Pvt. Ltd is an EHT Consumer with PGVCL, City-2 Division, Bahvnagar having EHT consumer No. 23865 and contracted demand 8250 KVA, at GIDC, Vartej, PLOT No. 147, Bhavnagar.

An approval was accorded by our competent authority vide letter No. PGVCL/R&C/9422 dtd.16.11.2013 to M/S. Madhu Silica Pvt. Ltd. for Operationalization as an open access customer in line with GERC Notification 3 of 2011. (**Annexure - I**)

Detailed reply against Fact of the Matter is as follows.

(I) As per Indian Electricity act-2003 section 42(2) the distribution licensee should allow open access to its consumers and accordingly, GERC has formed GERC Regulation 2011 vide Notification No.03 of 2011.

In the GERC regulation Notification 3 of 2011 Clause No. 32(3) there is no any clarification regarding issuing of energy bill to the open access customer considering the actual recorded maximum demand of maximum demand for the power supplied by PGVCL. It clearly states about energy charges only. (**Annexure - II**)



(II & III) On receipt of the letter from M/S. Madhu Silica Pvt. Ltd. on dtd.01.10.2019 **for the revision of the bills when open access power is availed by them, correspondence for seeking guideline from the higher authorities was done by this office. All the correspondence with higher ups are attached herewith. (Annexure - III)**

(IV) Application from M/S. Madhu Silica Pvt.Ltd on dtd.06.11.2019 for the credit of demand charges for open access in their connection No.23865 was registered in CGRC of Division level by Case No.02/2019-20 and hearing was done on dtd.11.11.2019. Order of CGRC, City -2 Division, Bhavnagar was given on dtd.11.11.2019 by considering above said all the correspondence with higher authorities. Order of CGRC is attached herewith. **(Annexure - IV)**

(V) M/S. Madhu Silica Pvt. Ltd. has submitted an application with dtd.21.11.2019 for revision of bills where maximum demand of energy supplied by PGVCL is less than the actual recorded maximum demand and refund with interest, the difference of revised bill of all such months from starting of open access power in our connection to the Consumer Grievance Redressal Forum, PGVCL, Bhavnagar and same was registered at CGRF vide Case No.95/19-20. CGRF has issued order on dtd.06.06.2020 vide No.BZ/FORUM/95/19-20/1889 that " Respondent is directed to work out revise bill for the period from January-14 to July-16 as per regulation No.32(3) and refund charges to complainer's account within 30 days." Order of CGRF is attached herewith. **(Annexure - V)**

(VI) On receipt of the order of CGRF on dtd.06.06.2020, as per the directive given by Corporate Office, Rajkot vide No. PGVCL/MD/68 dtd.06.07.2010, a guideline was asked by this office from higher authorities vide (1) BCD-2/REV/HT/2946 dtd.10.06.2020 and (2) BCD-2/REV/HT/3724 dtd.13.07.2020 for implementation of CGRF order. On response to this guideline, it was directed vide letter No. PGVCL/R&C/8422 dtd.23.09.2020 to file review application before CGRF, Bhavnagar against the order announced in Case No.95/19-20. **(Annexure - VI & VII)**

(VII) As per the instruction from Corporate vide above said letter No. PGVCL/R&C/8422 dtd.23.09.2020, review application was filed before CGRF Bhavnagar vide BCD-2/TECH-1/5521 dtd.25.09.2020 and hearing of the same was held on dtd.28.10.2020 at CGRF, Bhavnagar and order was served vide No.BZ/FORUM/REVIEW/3922 dtd.10.11.2020 mentioning " Rejection of Review Application." **(Annexure - VIII)**

(VIII) As per the directive given by Corporate Office, Rajkot vide No. PGVCL/MD/68 dtd.06.07.2010, guideline was sought once again by this office vide No.BCD-2/REV/HT/6769 dtd.19.11.2020 whether to implement order given by CGRF or to proceed for further legal process for the same. After receiving the answer from the Corporate Office, Rajkot vide No.PGVCL/LC/47/234 dtd.13.01.2021, final proposal for implementation of CGRF order was send to Circle Office, Bhavnagar vide No. BCD-2/Tech-1/1434 dtd.25.02.2021. **(Annexure - IX)**



(IX) After the approval of above said proposal vide No.PGVCL/LC/47/4A/3436 dtd. 07.06.2021, Inward No.4426 dtd.16.06.2021 and as per the order of CGRF vide No. BZ/FORUM/95/19-20/1889 dtd.06.06.2020, total difference amount Rs.28,63,025/= after revision of required bills was refunded to the applicant in EHT Consumer No. 23865, M/S. Madhu Silica Pvt. Ltd. In Energy bill for the Month of June-2021, dtd.02.07.2021 (**Annexure - X**)

(X) M/S. Madhu Silica Pvt. Ltd. has submitted an application dtd.12.07.2021, Inward No.5552 dtd.19.07.2021, for the payment of the interest of the interest on late implementation of CGRF order in the matter regarding credit of demand charges for the open access in their connection No.23865 M/S. Madhu Silica Pvt. Ltd., GIDC, Vartej, Bhavnagar. This office has given answer to applicant vide No.BCD-2/REV/HT/4679 dtd.31.07.2021 by responding that, " the refund for demand charges is given as per the CGRF order and Company's rules." (**Annexure - XI**)

This is for your kind information please.

☞ **Representation-2 by Respondent : PGVCL**

In continuation to above subject & references, PGVCL would further like to represent the facts in the aforesaid case as narrated below.

- ✓ M/S. Madhu Silica Pvt. Ltd. Has filed a grievance to Hon'ble CGRF bearing Case No.95/19-20 dtd.21.11.2019. In said grievance, the complaint has prayed to refund the erroneously calculated demand charges along with interest. In this matter, Hon'ble CGRF has already given a decision on judgement, Hon'ble CGRF has not agreed with the applicant's prayer of interest payment & order is issued without interest.
- ✓ Hon'ble GERC has issued guidelines through GERC (Standards of Performance of Distribution licensee) regulations, 2005 vide notification 10 of 2005 & set of SOP's for performance of DISCOMS. Chapter 14 of this notification describes the compensation measures in cases of underperformance. In the said notification, there is no provision for any licensee to pay interest amount as sought by the applicant.

On the part of PGVCL, procedure as narrated in reference 1 is followed & there has not been any intentional delay in proceeding the refund.

In view of above, it is to mention here that grievance of applicant is already processed in the case No.95/19-20 & decision is made by Hon'ble CGRF against the applicant's current plea.

☞ **Representation-3 by Respondent : PGVCL**

In Continuation to above subject, & references, PGVCL would like to reply to the said representation that M/S. Madhu Silica Pvt. Ltd. had filed a grievance to Hon'ble CGRF bearing Case No.95/19-20 dtd.21.11.2019. In said grievance, the complainant

had prayed to refund the erroneously calculated demand charges along with interest. In this matter, Hon'ble CGRF has already given a decision on dtd.06.06.2020 to recalculate the demand Charges & refund the excess amount. In the said judgement, Hon'ble CGRF has not agreed with the applicant's prayer of interest payment & order is issued without interest.

Respecting the order of Hon'ble CGRF, PGVCL has already refunded the amount since Jan-14 & now, the applicant is seeking interest on the same. On the part of PGVCL procedure as narrated in ref.1 is followed & there has not been any intentional delay in processing the refund.

In view of above, it is to mention here that grievance of applicant is already processed in the Case No.95/19-20 & decision is made by Hon'ble CGRF against the applicant's current plea. On receipt of the judgement of Hon'ble CGRF, steps taken to implement the order within PGVCL hierarchy are already mentioned.



Forum's Findings:

On the basis of representations from Complainer and Respondent, documents produced before Forum and relevant Regulations, Forum's findings are under:

- 3.1 Complainer M/S. Madhu Silica Pvt. Ltd is EHT consumer, No 23865, under HTPI tariff having contract demand of 8250 KVA, located at Vartej GIDC, Dist. Bhavnagar
- 3.2 Complainer is also Open Access consumer (OCS) since 2014 drawing power from other entities in accordance to GERC notification 3 of 2011.
- 3.3 Complainer had registered complaint No. 95/19-20 dated 27.11.2019 before this Forum and represented that Respondent PGVCL had wrongly recovered demand charges and that not billed as per regulations 32(3) from January 2014 to July 2016 and that Respondent had recovered maximum demand charges for demand which was not drawn from PGVCL, and respondent did not billed Complainer as per regulation 32(3).
- 3.4 Forum, had registered Complainer's complaint vide case No. 95/19-20 wherein Complainer had prayed:
 - a)
 - b)
 - c) All the bills where the maximum demand recorded is more than the maximum demand for power supplied by PGVCL in a particular month should be revised from date of granting open access to our connection in line with GERC regulations and tariff order.
 - d) The difference of revised bills with respect to bill paid by us should be refundable with interest till the same is materialized in our account.
 - e)

After due proceedings and hearings in case No. 95/19-20, this Forum had issued order on 6.6.2020.

Forum had issued order as:



3.7 Complainer has misconceived provision of regulation 32(3) and issued wrong bills from January-14 to July-16.

3.8 Complainer had raised the point of wrong demand charges in their bills vide his letter dated 1.10.18 to respondent. Complainer has complained after two years when clause of GERC Notification no 2/11, Clause No. 2.30(3) was in force. In view of this complainer's request for refund of difference of revised bill with respect to bill paid by them with interest is not accepted.

3.9 In view of aforesaid observations, Respondent is directed to work out revise bill for the period from January-14 to July- 16 as per regulation 32(3) and refund charges to complainer's account within 30 days.

3.5 As per Forum's order in case No. 95/19-20 dated 6.6.2020, Respondent credited refundable amount in complainer's energy bill of June-21 on date 02.07.2021, but not within 30 days.

3.6 In this present complaint No. 48/21-22 before Forum, Complainer has represented that the billing mistake was there since 2014 and attention drawn since 2018 and they received due refund in mid-2021. In the instant case No. 48/21-22, Complainer has prayed:

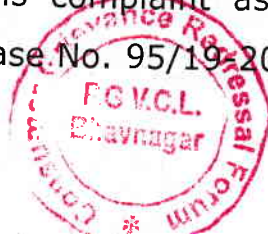
a).....

b) Hon'ble forum is requested to direct Respondent to grant us interest on the refund amount from the date of first application dated 1.10.2018 till the date of payment 1.7.2021.

c).....

3.6 Analysing the Para 3.4 and 3.6 it is evident that in present case No.48/21-22, Complainer has requested for the interest on refund amount from 1.10.2018 to 1.7.2021. Earlier Forum had decided on 'interest matter' and Forum had issued order as per Para 3.8 of Forum's order No. 95/19-20. In that order Forum did not accept Complainer's request for interest on refund amount.

3.7 Complainer has filled this complaint as Respondent did not implement timely Forum's order in case No. 95/19-20, and that Respondent delayed



their (Complainer's) payment with trivial reasons. Complainer has also presented section 62(6) of EA act 2003.

3.8 Relevant Regulations of GERC (Consumer Grievances Redressal Forum and Ombudsman Regulations, 2019) Notification 2/2019:

2.53 The License shall comply with the order within the time limit specified by the Forum. In appropriate cases, considering the nature of the case, the Forum, on the request of the License, may extend the period for compliance of its order up to a maximum period of 3 months.

2.69 A Complainant may prefer a representation before the Ombudsman appointed/designated by the Commission under the following circumstance.

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 by the Licensee in specified time limit.

3.9 In their submission, Respondent has submitted the details of case No. 95/19-20, referred clause no. 32(3) of GERC notification 3 of 2011 and review application in case No. 95/19-20 submitted by them. Further Respondent has submitted details of correspondences made by them with their higher authority regarding approval for payment to Complainer as per CGRF order in case NO. 95/19-20 and shown the reason for delayed payment.

3.91 Forum had ordered Respondent to refund charges to complainer within 30 days on date 6.6.2020. Respondent made payment on 02.07.2021, almost after one year. Respondent did not act as per Clause No. 2.53 of GERC Notification 2/2019. Respondent should implement Forum's order within time limit specified in order. If Respondent has any administrative or technical difficulty in implementation of Forum's order, they should approach Forum as stated in Clause No. 2.53 of Notification 2/2019. Respondent is directed to be vigil in implementation of Forum's order.



3.91 Respondent did not implement Forum's order No. 95/19-20 within time limit specified in order. Complainer should have approached Hon'ble Ombudsman and exercised their rights conferred in Clause No. 2.69 (iii) of GERC Notification 2/2019 for non-implementation of Forum's order (No. 95/19-20) by Respondent.

3.92 In the instant complaint, Complainer has prayed for the interest on refund amount from the date of first application dated 1.10.2018 till the date of payment 1.7.2021. Complainer's demand of interest was already decided by Forum in the case No. 95/19-20 and order was issued. In light of Clause No. 2.69 (ii) of GERC Notification 2/2019, if the Complainer was aggrieved with Forum's order Complainer should have filled appeal before Ombudsman. Complainer did not file appeal before Ombudsman and Complainer filled the complaint before this Forum again on same matter which was decided by Forum earlier (in case no. 95/19-20).

3.94 In view of above observations and relevant regulations, the complaint matter of the instant Case NO. 48/21-22 was already decided and appropriate order was issued in the Case No. 95/19-20 and Complainer Madhu Siica Pvt. Ltd had not opted remedy available with them within time limit specified in relevant regulation, representation made in present complaint is rejected.

3.95 Order: **As per Para 3.94**



--:: હુકમ ::--

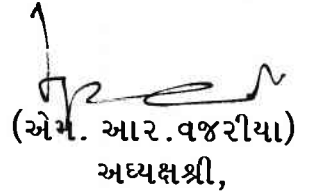
- વાદીની રજૂઆત, પ્રતિવાદીની રજૂઆત તેમજ ફોરમ સમક્ષ રજૂ થયેલ દસ્તાવેજી પુરાવા અને ઉપરના તારણો પરથી તારણ નં " ૩.૯૪ " મુજબ હુકમ કરવામાં આવે છે.
- સદર હુકમ સામે વાદીશ્રીને વાંધો કે તકરાર હોય તો આ હુકમ મળ્યે દિવસ-૩૦ માં વિદ્યુત લોકપાલશ્રીની કચેરી, બ્લોક નં.૩, પોલીટેકનીક કંમ્પાઉન્ડ, આંબાવાડી, અમદાવાદ સમક્ષ અપીલ કરી શકે છે.



(શ્રીમતી જે.એમ.મહેતા)
સ્વતંત્ર સભ્યશ્રી

તારીખ :- ૨૨/૧૨/૨૦૨૧.

ગેરહાજર
(એ.એ.જાડેજા)
ટેકનીકલ સભ્યશ્રી



(એમ. આર.વજરીયા)
અધ્યક્ષશ્રી,
ગ્રાહક ફરિયાદ નિવારણ ફોરમ
પ.ગુ.વિ.કું.લી.:ભાવનગર.

