

## પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

### ગ્રાહક તકરાર નિવારણ ફોરમ

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

CIN : U40102GJ2003SGC042908

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ક્રમાંક: બીએડ/ફોરમ/૮૪/૨૧-૨૨/ 1914

તારીખ: 13 JUN 2022

આર.પી.એ.ડી.

પ્રતિ,  
મે.અગ્રવાલ મેટકાસ્ટ પ્રા.લી.,  
યુ.બી.અગ્રવાલ હાઉસ,  
૨૨૯૧/૨૨૯૨-એ-૧, હિલડ્રાઈવ  
ભાવનગર-૩૬૪૦૦૨.

કેસ નં. ૮૪/૨૧-૨૨

મો.નં- ૦૨૭૮-૩૦૦૫૯૮૦/૯૮૭૯૫ ૪૯૩૯૩

વિષય : અમારા એચ.ટી., ગ્રાહક નં-૨૪૧૨૩ માં ડીલે પેમેન્ટ ચાર્જ અને વ્યાજ જમા મળવા અંગે.

- સંદર્ભ : (૧) આપનો પત્ર તા.૨૨/૦૩/૨૦૨૨ જે અત્રેની કચેરી ને મળ્યા તા.૨૩/૦૩/૨૦૨૨.  
(૨) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૮૪/૨૧-૨૨/૧૦૩૮ તા.૨૯/૦૩/૨૦૨૨.  
(૩) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૮૪/૨૧-૨૨/૧૧૯૫ તા.૧૨/૦૪/૨૦૨૨.  
(૪) અત્રેની કચેરીનો પત્ર નં. બીએડ/ફોરમ/૮૪/૨૧-૨૨/૧૨૧૯ તા.૧૩/૦૪/૨૦૨૨.

**જાહેરાત**

શ્રીમાન,

આપશ્રીની, ઉપરોક્ત વિષયના સંદર્ભમાં આપના દ્વારા ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગર સમક્ષ કરેલ રજૂઆતના સંદર્ભમાં આપશ્રીને ફોરમ સમક્ષ તા.૨૭/૦૪/૨૦૨૨ નાં રોજ સાંભળવામાં આવેલ. જેના સંદર્ભમાં ગ્રાહક ફરિયાદ નિવારણ ફોરમ દ્વારા આપવામાં આવેલ ચુકાદો આ સાથે સામેલ છે.

આપશ્રીની જાણ સારૂ.

*(Signature)*  
કન્વીનર,

ગ્રાહક ફરિયાદ નિવારણ ફોરમ  
પીજીવીસીએલ., ઝોનલ કચેરી ભાવનગર.

**બિડાણ:- ઉપર મુજબ.**

પ્રતિ: કાર્યપાલક ઈજનેરશ્રી,

પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

ગ્રામ્ય વિભાગીય કચેરી, ભાવનગર.

.....ગુજરાત વિદ્યુત નિયંત્રક આયોગના જાહેરનામા નં. ૨/૨૦૧૯ ની કલમ નં. ૨.૫૪ મુજબ સદર હુકમનાં પાલન અંગે થયેલ કાર્યવાહીનો જરૂરી અહેવાલ અત્રેની ફોરમ કચેરીને ફરજીયાત પાઠવવાનો રહેશે.

**નકલ રવાના:-**

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

...આપની જાણ તથા જરૂરી કાર્યવાહી અર્થે.



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

ગ્રાહક ફરિયાદ નિવારણ ફોરમ,  
પ.ગુ.વી.કં.લિમિટેડ, ઓનલ ઓફિસ,  
"વીજ સેવા સદન", ચાવડી ગેટ,  
ભાવનગર.

કેઈસ નંબર - ૯૪/૨૧-૨૨

વાદી :- મે.અગ્રવાલ મેટકાસ્ટ પ્રા.લી.,

◇ વિરૂધ્ધ ◇

પ્રતિવાદી :- પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ

◇ રજુઆતની તારીખ:- તા.૨૭/૦૪/૨૦૨૨ ◇

હાજર રહયા :- શ્રી વી.એલ.શાહ (વાદી ના અધિકૃત પ્રતિનિધિ)

પ્રતિવાદી :- શ્રી પી.સી.પંચાલ, કાર્યપાલક ઈજનેર, ગ્રામ્ય વિભાગીય કચેરી, ભાવનગર.  
(પશ્ચિમ ગુજરાત વીજ કંપની લિમિટેડ વતી)

મે.અગ્રવાલ મેટકાસ્ટ પ્રા.લી, મું.ભાવનગર, જી.ભાવનગર ની એચ.ટી.ગ્રાહક નં-૨૪૧૨૩ માં ડીલે પેમેન્ટ ચાર્જ અને વ્યાજ જમા મળવા અંગેની રજુઆત કન્વીનરશ્રી, ગ્રાહક ફરિયાદ નિવારણ ફોરમ, ભાવનગરને મળતાં, ફોરમે તેનાં ફરીયાદ રજીસ્ટરમાં ક્રમાંક : ૯૪/૨૧-૨૨ થી નોંધી તેનાં યોગ્ય નિરાકરણ માટે અધિક્ષક ઈજનેરશ્રી, વર્તુળ કચેરી, ભાવનગર ને પત્ર નં. બીઝેડ/ફોરમ/૯૪/૨૧-૨૨/૧૦૩૮ તા.૨૯/૦૩/૨૦૨૨ થી વાદીશ્રી ની જાણ હેઠળ મોકલી આપેલ.

આમ છતાં, ફોરમે વાદીશ્રી ને તેમની ફરિયાદ બારામાં લેખિત / મૌખિક રજુઆત કરવા તા.૨૭/૦૪/૨૦૨૨ ના રોજ ઉપસ્થિત રહેવા જણાવેલ. જેમાં, વાદી મે.અગ્રવાલ મેટકાસ્ટ પ્રા.લી.વતી તેમના અધિકૃત પ્રતિનિધિ શ્રી વી.એલ.શાહ હાજર રહેલ તથા પ્રતિવાદી તરફે શ્રી પી.સી.પંચાલ, કાર્યપાલક ઈજનેર, ગ્રામ્ય વિભાગીય કચેરી, ભાવનગર ઉપસ્થિત રહેલ.

વાદીશ્રીની રજુઆત:- ફોરમને કરેલ લેખિત અરજી મુજબ રજુઆત છે કે...

**Representation No.1 dtd.22.03.2022. :**

We are a Company registered under Company's act-1956 and engaged in manufacturing of steel and related products and having our subject plant situated at Plot No.107P and others, Village : Ghanghali, Tal. Sihor, Dist. Bhavnagar.

We are HT Consumer with PGVCL (Rural) Division, Bhavnagar having connection No.24123 and contract demand of 4000 KVA under HTP IV tariff.

We had asked for load extension in December-2017 and Same was released in the Month of April-2018. After releasing of connection, the bill for the month of May-2018 was Issued to us under HTP-I tariff for the unexplained reasons.



We had complained to the various authorities of respondent and concern Government Authorities regarding the wrong billing but no reply received from them.

Ultimately, we are left with no option except to file the application CGRF of PGVCL at Bhavnagar in June-2020.

The Hon'ble CGRF had issued order dtd.10.11.2020 accepting our claim and directed respondent to revise the bill and refund the amount wrongly collected. The CGRF conveyed the order vide his letter dtd.07.12.2020.

Defying order of CGRF to make payment of refund within 30 days from the date of the order, the refund was adjusted in the bill of Month of January-2022.

There is a hug loss of interest on the amount of refund and this application is made to Hon'ble CGRF to grant us the delayed payment charges(interest) on the refund from the date of due of the same.

### **Fact of the Matter**

- (1) We had applied for the load extension in December-2017. The same was released on 17.04.2018 after submission of the test report on 08.04.2018.
- (2) Bill for the Month of May-2018 was issued in 3 Parts. Considering HTP-I tariff as penalty for so called violation of HTP-IV tariff.
- (3) We had paid Rs.60,57,697/= under protest to avoid coercive action including disconnection threat from the respondent.
- (4) We tried to convince authorities at all level of respondent but failed to receive even reply on the matter.
- (5) The Hon'ble CGRF had ordered to revise the bill and refund the differential amount within 30 days from the date of order dtd.07.12.2020.
- (6) Even after clear order, just to delay the payment, the respondent has filed a review application on 03.03.2021 which is again the GERC regulation and rejected by the Hon'ble CGRF.
- (7) Ultimately a refund of Rs.27,65,816/67 is credited in our bill for the Month of January-2022.

### **Ground for Appeal :**

- (a) As per order of CGRF Point No.3.92,



In view of the above observations, it is ordered, complainer be billed as per HTP – I tariff, up to 17.04.2018 and HTP-IV tariff from 18.04.2018 to 15.05.2018 and demand charges be levied as per para 3.91. Accordingly, respondent shall revise complainer's bill of May-2018.

Yet, the revised bill is not issued for nearly one year.

- (b) As per GERC Supply Code -2015 clause – 6.82

**Delayed Payment Charges :**

Delayed Payment Charges shall be levied as per the prevailing tariff Order.

As per tariff Order,

Delayed Payment Charges for all consumers,

- (a) No delayed payment charges shall be levied if the bill is paid within ten days from the date of billing (excluding date of billing)
- (b) Delayed payment charges will be levied at the rate of 15% per annum in case of all consumers except 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.
- (c) For Government dues, the delayed payment charges will be levied at the rate provided under the relevant Electricity Duty Act.

In our case, it is very clear and can be confirmed from respondent that if the bill is not paid by us and in case the Hon'ble CGRF has not ordered to revise the bill, the respondent had definitely recovered delayed payment charges from our side.

Now, the refund is due from the respondent and as per natural law of justice, we should be paid delay payment charge from the date of payment of subject bill of May-2018 till the refund granted in Month of January-2022. At the rate of 15% per annum as per tariff order. The justice should be applicable to both the parties as per fundamental right of equality.

- (C) As per GERC Notification No.2 of 2019 regarding CGRF and Ombudsman regulation 2.64



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 thirty(30) days of the date of the order, as the case may be.

It is very clear that, if respondent has any cause to file the review petition, the same should be filed within 30 days from the date of order. In our case, the review petition is filed after nearly 3 months and also violating regulation which clearly mentioned when any party can file the review petition. The Hon'ble CGRF has rejected the same.

It seems that the only reason for filling a review application is to delay the due refund to us.

**Prayer :**

- (i) As per the natural law of justice, delay payment charges to be paid from the date of payment of bill to the date of credit of refund in our bill.
- (ii) The interest should be paid from the date of CGRF order till the credit of refund in our bill.
- (iii) Any relief Hon'ble forum fine to be granted in our case.

**Representation No.2 dtd.27.04.2022. :**

We are further to our application dtd.25.02.2022 and above referred reply from respondent dtd.25.04.2022.

As per Point (A) of the reply it is admitted that the dispute is in existence since May-2018, The CGRF order is Sanction 07.012.2020 which was issued on 10.11.2020 and the amount is credited in January-2022. The due refund is delayed by nearly three and half year and by more than one year after CGRF order is issued.

As per Part-(B), the review petition is filed on 03.03.2021.

The CGRF Regulation 2 of 2019, had regulation No.2.64 which deals with review 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 thirty (30) days of the date of the order, as the case may be.*

As per above, no review petition can be entertained after 30 days from the date of order. Also, the review order should be filed only with specific grounds as stated, The respondent failed to file the review petition within permitted time yet the forum had accepted the same. The same was rejected as no specific ground is submitted as per regulation. The review application is summarily rejected by the forum vide order dtd.25.03.2021 but the same was dispatched on 22.06.2021 after nearly 3 months. From above, it is very clear that the review application is submitted only to delay the due refund from May-2018.

The Point (C) and (D) is regarding departmental procedure. The CGRF and Ombudsman are quasi-judicial authority and order from such quasi-judicial authorities need to be followed and any departmental procedure cannot delay the same by whatsoever reason.

The letter mentioned in the reply by respondent is not marked to us and we request the Hon'ble forum to direct the respondent to give us a copy of the said correspondence dtd.30.06.2021 and 15.12.2021.

If any such procedure is actually circulated in PGVCL offices, then we request Hon'ble forum to take serious note of that and issue stern warning to the respondent company as nothing prevails above the law.

It is prayed that the respondent office had followed a predefined procedure. The circular no. and procedure should be made public so no such issue is required to be raised.

Another point is natural law of justice. In case, if we had not paid the disputed bill, the respondent will collect the interest/Delay payment charge from the date of bill, similarly when the refund is granted the same should be paid from the date of payment of bill considering natural law of justice.

At this stage, we should like to draw kind attention of Hon'ble forum that after receiving the disputed bill we immediately filed the grievances with the respondent.



Hon'ble Ombudsmen has granted interest in similar case no.2/2020 Sunilbhai Patel V/S DGVCL.

Considering above, and our original application, we pray Hon'ble forum to grant us interest from the date of payment of the disputed bill.

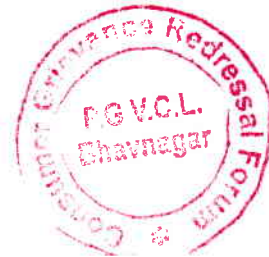
☞ પ્રતિવાદીશ્રીની રજૂઆત :- ફોરમને કરેલ લેખિત અરજી મુજબ રજૂઆત છે કે...

Anent to the above subject, M/S. Aggrawal Metcast Pvt.Ltd. HT Consumer No. 24123 under this division has filed grievances at CGRF(Reg.Sr.No.94/2021-22) Submission from PGVCL is as under.

- (a) As per order CGRF Order No.BZ/Forum/06/2021/4195 dtd.07.12.2020 credit has given the Rs.27,65,816/67 in the Month of Jan-2022. Subsequent the amount is derived from May-2018.
- (b) Review petition had been filed against the CGRF order on dtd. 03.03.2021 against the review application CGRF has heard both the party and Pronounce order in the favour of consumer on dtd. 22.06.2021 vide letter No.BZ/Forum/Review/1841 dtd.22.06.2021.
- (c) Against the review application order pronounce from CGRF a departmental procedure has been followed by this office vide letter No.BRD/Rev/CGRF/Review Application/4652 on dtd.30.06.2021.
- (d) In continuous to the Point (C) above official Correspondence had been carried at appropriate authority. Finally, this office has received the directive from corporate office vide letter No.PGVCL/LC/47/14/7533 dtd.15.12.2021 and hence as per the order of CGRF calculation from May-2018 has been carried out and amount to be credited of Rs.27,65, 816/67 in the Month of Jan-2022.

**Prayer :**

- (1) This office has to follow pre define procedure of a company and accordingly and same has been followed and the order honoured accordingly.
- (2) It is kindly requested to dismiss the appeal by the applicant looking to the above facts.



**: Forum's Finding :**

3.1 The applicant M/s Agarwal Metcast Pvt. Ltd. has approached forum with the pray for receiving delay payment charges and interest on grounds of abnormal delay made by respondent PGVCL in implementing CGRF Order vide No. 4195 Dtd. 07.12.2020.

3.2 On date 27.04.2022 during personal hearing forum has gone through all the papers and representation of both the parties and found that :

1. In CGRF Case No. 06/20-21 applicant M/s Agarwal Metcast Pvt. Ltd. has applied for the relief of HTP Tariff for bill issued to them for their Conn. No. 24123, and forum has issued order in favour of applicant vide No. BZ/Forum/06/20-21/4195 dtd. 07.12.2020.

It is ordered by forum as under that :-

**“ Complainer be billed as per HTP-1 tariff up to 17.04.2018 and charges be levied as per para 3.91. Accordingly, Respondent shall revise complainer's bill of May-2018.”**

2. Against this order respondent PGVCL has made Review application on date 03.03.2021 and forum has rejected the review application vide Order No. 1841 dtd. 22.06.2021.

3. On receipt of Review Order respondent has started departmental procedure and put matter to their competent authority vide letter dtd. 30.06.2022 for implementation of order. The approval from PGVCL issued vide L.No. 7533 dtd. 15.12.2021, Then after respondent has credited Rs. 27,65,816=67 in consumer's account in the month of Jan-2022.

3.3 From the above chronology it is clear that :

1. The respondent has not made review application within stipulated time and made review application more then 3 month late after issuing CGRF Order.

2. After receiving the order regarding rejection of review application,





respondent has started departmental correspondence which took long time and ultimately amount as per CGRF Order dtd 07.12.2020 credited in applicant's account in January - 2022, almost 1 year late.

3.4 It was necessary for respondent to follow the departmental procedure for approval of crediting huge amount, but above time line shows abnormal delay at every stage of correspondence resulting in to undue waiting the applicant for resolution of his demand.

3.5 Keeping GERC norms, and also natural justice in view, forum found that applicant is eligible for relief against delay in receiving such amount hence allows the representation of applicant. Accordingly it is order to pay simple Interest rate prevailing in nationalised Bank on credited amount Rs. 27,65,816=67 w.e.f. from date of order i.e. 07.12.2020 to crediting the amount in their account i.e in January – 2022. The said calculated interest amount should be credited to applicant's account, within 30 days of this order .

3.6 No order for delay payment charges.


**::O R D E R ::**

- **It is order as per Findings No. 3.5 and 3.6.**

- If any Objection/Dispute against this order applicant can make appeal within 30 days from receipt of this order to “ The Office of the Ombudsman, Old Power House, Kanak Road, Trikon Baug, Rajkot – 360 001.

  
(Smt. J. M. Maheta)  
Independent Member

( Absent )  
(A.A. Jadeja)  
Technical Member

  
(N.C. Makwana)  
Chairman,  
Consumer Grivence Redressal Forum  
P.G.V.C.L - Bhavnagar,

Date : 27.04.2022  
Place : Bhavnagar.

