

**PASCHIM GUJARAT VIJ COMPANY LIMITED**

Zonal office, "Vij Seva Sadan",

Chavdigate, Bhavnagar

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CIN : U40102GJ2003SGC042908

E-mail: wbzone@gebmail.com

No: BZ/FORUM/ 1326

Date : 19 MAR 2020

To,  
**M/S Agarwal and Company,**  
U.B. Agarwal House,  
2291/2292 - A-1,  
Hill Drive,  
Bhavnagar - 364 002.

**Sub : CGRF Case No. 76/19-20 Review Order thereof.**

Sir,

In connection with the review application/representation made by you to CGRF -Bhavnagar, the review order is attached herewith for your information.

Encl : As above.

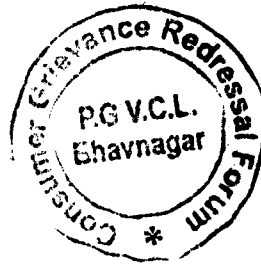
( M.P. Solanki )

**CONVENOR**

Consumer Grievance Redressal Forum

P.G.V.C.L. - Bhavnagar.

Copy to : The Ex. Engineer : PGVCL : Dn. Office : City-2 Bhavnagar.



Consumer Grievance Reddresal Forum.

PGVCL., Zonal Office, Bhavnagar.

Case No. 76/19-20 ( Under Review )

Appellant : M/s. Agarwal and Company.

U.B. Agarwal House,  
2291/2292 - A-1,  
Hill Drive,  
Bhavnagar - 364 002.

Represented by : Shri V.L. Shah - Authorised Person.

Respondent : Executive Engineer : PGVCL: City-2 Dn. Bhavnagar

Represented by : Shri P.G. Parikh - Ex. Engineer, PGVCL,  
City-2 Dn. Bhavnagar.

Forum's Finding:

3.0 The complainer M/s Aggarwal and Company has filed review application in CGRF Bhavnagar's Order No. 76/19-20. Forum had rejected complainer's representation in their order dated 10.1.20. Complainer has filed review application under regulation 2.64 of GERC Notification 2 of 2019 on 7.2.2020. Hearing of review application was heard in presence of complainer and respondent, PGVCL on 12.3.2020.

3.1 Complainer above, complainer has given submission with reference to clause 4.102, 4.84(2) of GERC Supply Code 4 of 2015 and order of Ombudsman in case No 56/ 2017, Sakar Glazed Tiles V/s UGVCL and 63/2019 of Granito v/s PGVCL Morbi in their review application.



3.2 Complainer has given written statement dated 12.3.2020 during hearing wherein Cl. No. 2.24 and 2.50 of Notification 2 of 2019 has been mentioned.

3.3 Respondent has submitted that Cl. No 4.84(2) of Notification no 4 of 2015 is under review before Secretary of GERC, Gandhinagar.

3.4 As per Para no 3.2 of Forum's order, Respondent PGVCL had exercised clause no 4.95 of Supply code and increased the complainer's load of 800 KVA to 920 KVA (addition of 120 KVA Load) from January 2019 as complainer's contract demand was crossed permissible limit. Then, complainer applied for reduction of load on 14.5.2019 which was rejected by respondent in light of Cl.4.102.

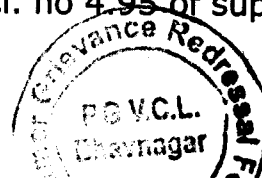
If the respondent had entertained complainer's load reduction application of date 14.5.2019 after exercising cl. 4.95 and increasing load in January 2019, the CL. 4.95 of notification 4 of 2015 would have become infructuous, and it would defeat very purpose of Clause 4.95.

3.5 Clause 4.84(2) states to execute supplementary for additional load. Word "supplementary" in "supplementary agreement" implies that principal agreement remains same.

The provision under section 4.102 is very explicit, and complainer has misinterpreted the provision of 4.102 in their review application. Respondent has rightly rejected complainer's application in light section 4.102 of Notification 4 of 2015.

3.6 In Para 3.8 of their order 76/19-20, Forum has put their observations in detail. Complainer's contention in regard to clause No. 4.102 and 4.84(2), complainer has not submitted any new documents or submission in his review application.

3.7 Complainer has mentioned Ombudsman order in case no. 56/2017 and 63/ 2019. In view of forum's observation as per Para 3.4 above, matter of this case differs with the matter of both cases referred by complainer because in the instant case complainer's load was increased in light of Cl. no 4.95 of supply code.



3.8 As per Para 3.2 above, Complainer has mentioned Cl. No. 2.24 and 2.50 of Notification 2 of 2019 with unwarranted comment.

3.9 Considering findings of CGRF order no 76/19-20, complainer's review application, PGVCL's submission and aforesaid observations, complainer's review application is not maintainable.

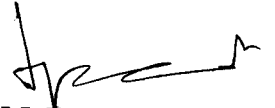
**3.9-1 Review application is rejected.**



( B. J. Dave )  
Ind. Member

Absent

( P.N. Ajakiya )  
Member Tech.



( M. R. Vajeria )  
Chairman

Consumer grievance redressal Forum.  
Bhavnagar

Date : 12.03.20.

Place : Bhavnagar.

