

GUJARAT ELECTRICITY REGULATORY COMMISSION
Ahmedabad

**Minutes of the 12th Meeting of the Consumer Grievances Redressal Forums
of different utilities held on 4th August, 2012**

The 12th meeting of the Consumer Grievances Redressal Forums of different utilities was convened in the Conference room of the Sardar Patel Institute of Public Administration (SPIPA), Ahmedabad at 3.00 p.m. on 4th August, 2012.

The following were present in the meeting.

Commission and Secretary:

1. Dr.P.K. Mishra, Chairman, GERC
2. Shri Pravinbhai Patel, Member (Technical), GERC
3. Dr.M.K. Iyer, Member(Finance),GERC
4. Dr.Ketan Shukla, Secretary, GERC

Ombudsman:

Shri V.T. Rajpara, Electricity Ombudsman

Chairmen / Members / Representatives of Consumer Forums:

1. Shri P.J.Patel, Chairman, MGVCL Forum.
2. Shri R.N.Jadeja, Chairman, PGVCL (Rajkot) Forum.
3. Shri D.J.Parekh, Chairman, PGVCL (Bhavnagar) Forum.
4. Shri A.C.Panwala, Chairman, DGVCL Forum.
5. Smt. Mala Shah, Chairman, UGVCL Forum.
6. Shri M.G.Patel, Chairman, TPL (Ahmedabad) Forum.
7. Shri V.R.Vyas , Chairman, TPL (Surat) Forum.
8. Shri M.A. Mandhara, Independent Member, PGVCL (Rajkot) Forum.
9. Shri J.J.Gandhi, on behalf of Technical Member, PGVCL (Rajkot) Forum.
10. Shri K.M.Dhuolaria, Technical Member, PGVCL (Bhavnagar) Forum.
11. Shri H.A. Gadhvi, Independent Member, PGVCL (Bhuj) Forum.
12. Shri N.V.Parekh, Technical Member, PGVCL (Bhuj) Forum.
13. Shri J.V.Prajapati, Independent Member, PGVCL (Bhavnagar) Forum.
14. Shri M.J.Vaidya, Independent Member, MGVCL Forum.
15. Shri Y.B.Sukhadia, Technical Member, MGVCL Forum.
16. Ms.Y.H.Upadhyaya, Independent Member, TPL (Ahmedabad) Forum.
17. Shri S.J.Oza, Technical Member, TPL (Ahmedabad) Forum.
18. Shri S.H. Pandya, Independent Member, TPL (Surat) Forum.
19. Shri Bimal Mistry, Technical Member, TPL (Surat) Forum.
20. Shri M.J.Barot, Independent Member, UGVCL Forum.
21. Shri K.D. Viradia, Convener, PGVCL (Rajkot) Forum.
22. Shri A.M. Kuriakose, Convener, PGVCL (Bhavnagar) Forum.

MINUTES OF 12th MEETING OF CGRF

23. Shri B.K.Maheshwari, Convener, PGVCL (Bhuj) Forum.
24. Shri K.M.Patel, Convener, DGVCL forum.
25. Shri P.D.Halani, Convener, UGVCL Forum.
26. Shri F.A. Garari, Convener, TPL (Ahmedabad) Forum
27. Smt. P.H. Desai, Convener, TPL (Surat) Forum

Officers of the Commission:

1. Shri D.R. Parmar, Joint Director
2. Shri B.R. Joshi, Technical Consultant
3. Shri S.T. Anada, Dy. Director

Officer of the Ombudsman:

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

Dr.Ketan Shukla, Secretary of the Commission, warmly welcomed the chairpersons and members of all the Consumer Grievances Redressal Forums (CGRF).

In his introductory remarks, Dr. P.K.Mishra, Chairman, observed that though the meeting of Forum is held on a quarterly basis, this time there is a longer time gap because it was being contemplated to have a meeting at Bhuj. That was not feasible because of logistics reasons. He emphasized on the need for regular meetings and interactions among CGRF Forums. He extended a hearty welcome to the four new members who have recently joined the Forums and are attending the quarterly meeting for the first time.

Item No.1: Confirmation of the minutes of the last meeting:

Minutes of the last meeting were circulated to the members and since no comments were received, the minutes of the last meeting were confirmed.

Item No.2: Action Taken Report

While going through the action taken report, Chairman informed that most of the Forums have held regular meetings as decided earlier and they have tried their level best to resolve the issues/disputes coming before them. As regards extending publicity and awareness amongst the consumers about the CGRF, Chairman observed that most of the utilities have started printing the same on the electricity bill. In the meanwhile, Mr.Mahendra Barot of UGVCL stated that there is a need for more publicity over and above printing on the bill by way of advertisements in the newspapers and electronic media. He informed that a CD has been prepared by him for creating awareness about the functions and role of CRGFs in

MINUTES OF 12th MEETING OF CGRF

resolving the grievances of the consumers. The Commission opined to share these CDs with all the Forums/utilities to utilize it for wide publicity of CGRFs. Chairman suggested that there should be a small pamphlet also which should be sent to the consumers along-with the electricity bill. It was also decided to explore possibilities of advertisement in newspapers by utilities / GERC. Chairman also stressed the need for review of implementation of the orders by the respective Chairman/ members once in a month and emphasized on optimum cooperation among the members of the CGRF.

(Action: All the licensee and GERC)

Item No.3: Mechanism for implementation of order passed by Forums and Ombudsman:

Hon'ble Member (T) informed that there should be due monitoring mechanism for implementation of the order of CGRFs and Ombudsman. Referring to delay in implementing the order of the CGRF in the case of M/s.Ayush Hospital, Vapi, Chairman Suggested that similar cases can be discussed in the Coordination Forum. On a query to Ombudsman about the mechanism adopted by Ombudsman regarding implementation of order passed, he informed that there is a reporting format regarding implementation status of the order of the Ombudsman which is being reviewed regularly.

Item No.4: Review of Performance

While going through the performance of each CGRF, it was noticed that TPL-Surat has least number of cases and as told by its member, it was due to their internal redressal committee which resolves majority of the cases and only handful of them are left to be decided by CGRF. Chairman observed that if the grievance is addressed to CGRF then, it must be registered with CGRF. It was also suggested that even if the matter is redressed by the Internal Redressal committee, the decision should be recorded by the Forum.

(Action: CGRF TPL-Surat)

Item No.5: Case Studies:

PowerPoint presentations were made by the Ombudsman, and representatives of PGVCL-Rajkot Forum, TPL (Surat) Forum and UGVCL Forum and discussed during the meeting.

Gists of the cases presented by Forums and Ombudsman are as under:

MINUTES OF 12th MEETING OF CGRF

Ombudsman:

A case was filed before the Ombudsman aggrieved by the decision of a CGRF regarding its order for payment of supplementary bill for change of tariff HTP - IV to HTP-I since billing demand exceeded the contract demand during the day time in the period of Nov. -2005 to June-2009 as per the observation made by licensee's technical audit team. The Ombudsman observed that monthly bills issued to the consumer do not show the details of actual maximum demand during the day time and the column meant for this detail in the bills is left blank even after issuance of supplementary bill. It is also observed by the Ombudsman that G-7 card did not have any column meant for showing Actual Maximum Demand during the day time. The Ombudsman noticed that during the period for which the supplementary bill was raised by the licensee, installation of the consumer was checked several times but none of the checking authority observed any abnormality regarding the actual maximum demand during the day time.

The ombudsman passed the order to recover the supplementary bill for the period of two years i.e. 24 months and not for 41 months as per Clause 6.4.8 of the GERC (Supply Code) Regulations, 2005 which provides that "No sum due from any consumer, under this section shall be recoverable after the period of TWO years from date when such sum become first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied". The Ombudsman observed that this provision provides sense of protection to the consumer and prevents them from sudden recovery shock.

PGVCL (Rajkot)

PGVCL-Rajkot Forum had received a complaint from an Applicant for the new agriculture connection. The Applicant's father had registered his application for obtaining a new agriculture connection at land survey no.194 on 26.02.1991. When his turn came up for releasing the connection in the year 2007, the Applicant had expired and his legal heir applied for change of name submitting the required ownership documents. The documents provided by the legal heir of the original Applicant were bearing different survey number then that was shown in the documents submitted by his father. The legal heir of the Applicant represented before the CGRF that the land survey number shown in the documents at the time of registration of the application for new connections was never owned by his father. CGRF requested PGVCL to carry out detail inquiry with the revenue department. On inquiry it was found that the land survey number shown in documents attached to the original application

MINUTES OF 12th MEETING OF CGRF

was owned by some other persons and was never owned by the original Applicant. It was confirmed that 'Talti- the local revenue officer' had given wrong documents to the original Applicant when the application was registered. It was also confirmed that the original Applicant owned the lands bearing the survey numbers as that were shown by his legal heir in the name change application. The Forum passed the order to approve the name change application of the legal heir of the original Applicant and releases the connection after observing required formalities.

UGVCL Forum:

An Applicant filed a complaint before CGRF regarding issuance of estimate by UGVCL to him for availing new agriculture connection. The Applicant had registered with application to get 7.5 HP connection under normal (SPA) scheme. Subsequently he applied for switching over under Tatkal scheme and revised his demand from 7.5 HP to 10 HP. Thereafter vide a letter he requested to consider his demand as 7.5 HP for his switched over application. In spite of Applicant's plea to consider his demand as 7.5 HP, UGVCL has issued estimate for 10 HP by considering the new connections under D-Category. The Applicant paid the estimate reserving his right to object. In the complaint before CGRF, the Applicant argued that there is 25 kVa transformers having 17.5 HP connected load adjacent to the place of demand of new connection. Hence, his application for 7.5 HP should fall under A-Category and accordingly the estimate should be revised and excess amount be refunded. UGVCL responded that estimate was given for 10 HP demand and as existing transformer was not capable to cater that demand, D-Category estimate was issued to the Applicant. UGVCL also confirmed that only two poles were erected and no other work pertaining to D-Category was carried out. The CGRF observed that UGVCL did not consider the request of the Applicant to revise his demand from 10 HP to 7.5 HP while surveying and issuing the estimate for new connection. CGRF ordered to revise the estimate and refund the amount of Rs.63472/- to the Applicant.

TPL-(Surat):

CGRF received a complaint regarding releasing industrial connection in residential area. The complainant represented that the industrial connection is causing nuisance to them. He also stated that according to information received by him under RTI from the Surat Municipal Corporation, the particular area falls under residential zone and consent was not given by SMC for releasing industrial connection. TPL-Surat responded that the connection was

MINUTES OF 12th MEETING OF CGRF

released after obtaining required documents such as SMC Tax bill showing purpose as industrial, NOC of residents of apartment and surrounding area and ownership documents. TPL-Surat further argued that it is an obligation on it u/s 43 of EA,2003 to provide electric connection to the Applicant, failing which it is liable to penalty. Moreover, SMC is responsible to verify the area as per their established Zone table. CGRF rejected the application and ordered that new connection given by TPL-S is in order looking to the proviso of the Clause of 4.1.14 of the GERC(Supply Code) Regulation-2005 relating to NOC from competent authority and in this case tax bill is issued by SMC and hence no NOC required. Forum advised the Applicant to approach SMC since the tax bill was issued by them and may approach appropriate authority to initiate action u/s 133(b) of criminal procedure code to resolve issue of nuisance.

The Applicant filed an appeal against CGRF Order before the Ombudsman. The Ombudsman upheld the decision of CGRF. The Applicant filed review application before the Ombudsman. The review application was not admitted by the Ombudsman as there was no new evidence or mistake occurred while deciding on the appeal and there was similar matter pending before Hon'ble High Court.

Chairman appreciated the presentations and stated that these are very helpful in the sense that it is a sharing of experiences.

The details of the cases are attached at Annexure I, II, III and IV respectively.

It was decided that MGVCL, TPL-Ahmedabad, PGVCL-Bhavnagar and DGVCL Forums will make presentations on one case each during the next meeting.

ITEM No.6: Other item with permission of Chair:

Some of the Independent members suggested to issue identity cards to the members of CGRFs, so that there need not be any approval from the authority required to enter into the premises of the utilities. The Commission agreed with the proposal and requested the conveners of all the forums to do the needful.

(Action: All the licensees)

Chairperson of the UGVCL Forum stated that one review meeting should be scheduled one day ahead of hearing date so that they can study the details of the case in advance. Members

MINUTES OF 12th MEETING OF CGRF

of the other CGRF informed that they are being provided all the information related to the case to be heard well in advance. The Commission instructed the convener UGVCL-CGRF to make such arrangement to provide all the information and details related to case well in advance to the members of the Forum.

(Action: UGVCL)

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

(Dr. Ketan Shukla)
SECRETARY