

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2011 of GERC (CGRF & Ombudsman)

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-III-15-2018-19
Complainant	Shri Ashwin Natubhai Dalwadi, Tara Palace, Plot No.734 Near Garden, Mahadev Area, At : Vvnagar, Tal & Dist: Anand
Respondent	Shri Nilesh T. Patel Deputy Engineer(O&M) Petlad subdivision ,MGVCL
Date of hearing	07.12.2018 at Nadiad Circle office, MGVCL.

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Shri H R Shah, (RA&C) MGVCL Vadodara

The complaint of shri Ashwinbhai Natubhai Dalwadi dated 19.09.18 regarding not given Agriculture connection in same Survey No.530 at village Vishnoli, Tal: Petlad.

The complainant was heard before Complaint redressal Committee at Circle Office Anand on dtd.20.10.18 and Order issued by I/c. SE(O&M) Anand vide letter No.ANC/Tech-2/6644, dtd.01.11.18. Aggrieved with the order, the complainant approached before CGRF vide application dtd.19 .11.18.

The nature of relief sought from the Forum by the complainant is as under:

- 1.0 Cancellation of Ag application after completion of Line erection work shows negligence on part of staff as lot of expenses of about 7.0 lakhs is made for drip irrigation system .
- 2.0 Objection against recovery of Line dismantling charges amounting to Rs.35842.00 and made as per which provision of GERC.

1.0 On 07.12.18, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Mukeshbhai Arvindbhai Patel, authorized representative appeared on behalf of complainant Shri Ashwinbhai Natubhai Dalwadi whereas Shri N.T. Patel Deputy Engineer of Petlad (Rural) subdivision appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.



2.0 The brief history of the case is as under:

- 2.1 The application for New Agriculture connection for 15 HP of the complainant was registered by Jr. Engr. Petlad (Rural subdivision) on dtd.03.04.2017 where Agriculture connection of 15 HP(A2 category), in the name of Shri Manishbhai Natubhai Dalwadi bearing consumer no. 09421/54026/3 existed in same survey no.530 at village Vishnoli.
- 2.2 Survey no.530, being land area of 3.36 hectare i.e. 8.30 acre the same was registered under SPA by field office on dtd.03.04.17. The documents were scrutinized by the Billing section. The site was surveyed by Jr. Engr of Petlad(R) subdivision on dtd.21.03.18 and estimate amounting to Rs.15128/- was served to complainant on dtd.27.03.18 .
- 2.3 On receipt of payment on dtd.02.04.18, the agreement was executed by Dy.SA (Billing) on same day.
- 2.4 The work was completed on dtd.31.05.18 and TR report submitted by party on dtd.12.06.18.
- 2.5 The consumer personal file was sent to Division Office on dtd.12.06.18 for Technical scrutiny and pre audit for release of the connection. On scrutiny of the documents of 7/12 it was observed that although land area of survey no 530 is 8.30 acre, part of the land (4.15 acre) is N.A. on Temporary basis for brick manufacturing work.
- 2.6 EE(O&M) Petlad Division vide letter no PD/Tech/1/3694 dtd.28.06.18 informed that as per conditions laid down at point no.1 of GUVNL's letter no. GUVNL/Tech-2/RNR/2044, dtd.25.10.16 and letter no. MGVCL/RE/474 dtd. 03.11.16 which provides that the consumer can avail 2nd Ag. connection in same survey no. if he has continuous Agriculture land of 8.0 acre or more". Whereas in this case, the Ag land is less than 8 acre so 2nd Ag connection cannot be granted.
- 2.7 The case file of the consumer was returned back with directives to refund the charges paid by the consumer/recover, if any, in this regard and to seek explanation was sought from the Dy. Engr, Jr. Engr and Dy.SA (Billing) for registering the application without proper scrutiny of documents .
- 2.8 The complainant was informed regarding cancellation of his application on dtd.04.07.18 and intimated for payment of estimate of dismantling charges of Rs.35842.00 on dtd.16.8.18 and 24.08.18 arrived after deducting the FQ amount Rs.15028/- from the total dismantling charges of erected electrical infrastructure of Rs.50870.00. The dismantling charges was paid by complainant on dtd.14.09.18.
- 2.9 The complainant grievance dtd. 19.9.18 was heard before CRC Anand circle on dtd.20.10.18 and charges so recovered on the basis of SOR of Annual rate contract awarded to contractor to be in order. The decision taken as per circular no. MGVCL/RE/474,dtd.03.11.16 for non granting of 2nd Ag connection in same survey number for land less than 8 acre, is in order.



3.0 The contentions of the complainant is as under:

- 3.1 The representative of the complainant contended that the application was registered considering the land area more than 8 acre, estimate is issued after survey ,agreement executed and test report submitted and thereafter connection is not released because of temporary connection for brick manufacturing and Ag land is less than 8.0 acre.
- 3.2 The land documents 7/12 mentioning that the part of land is NA for brick manufacturing on temporary basis, was submitted well in advance in the month of April 2017. The NA permission has validity up to year 2020 only.
- 3.3 He further contended that there is no provision mentioned in the circular that 2nd Ag connection cannot be given because of temporary connection.
- 3.4 He further contended that the CRC Order is not speaking order and his representation is not fully reflected and requested to cancel the recovery of Line & T/C dismantling charges
- 3.5 The representative of the complainant further suggested that instead of dismantling the already erected poles, Line and Transformer ,it can be utilized for upcoming new Agriculture connection applied in the adjoining survey no. 529 of the applicant and separate khata no.
- 3.6 The brick manufacturing work is totally stopped and the land is pure Ag land now.
- 3.7 The complainant contended that they have applied for drip irrigation system under GGRC and approx.7.00 lac is already invested.

4.0 The contentions of the respondent is as under:

- 4.1 The respondent contended that complainant has applied for Ag connection in the same survey no 530 where there is existing Ag connection of Shri Manishbhai N.Dalwadi who is brother of the complainant Shri Ashwinbhai N Dalwadi.
- 4.2 He further contended that the application was registered considering the total land area of 8.30 acre in 7/12 documents and accordingly survey work carried out by Jr. Engr. Petlad subdivision and he did not know how to process and has erred in the interpretation of point no.1 of circular no. MG/VCL/RE/474,dtd.03.11.16 and did not deduct the land area of Temporary connection from the total area of Agriculture land in the same survey no.530, quoted as under;

૧. અરજદાર/ગ્રાહક ૮ (આઠ)એકરથી વધારે ક્ષેત્રફળ હોય તેવા સળંગ એકજ સરવે નંબરમાં ,બીજું ખેતીવિષયક વીજ જોડાણ મેળવી શકશે. બીજા ખેતીવિષયક વીજ જોડાણ માટે પાત્રતા ધરાવનાર ખેડૂત માટે આ યોજના પરિપત્ર બહાર પડ્યા તારીખ થી અમલી બનશે અંદ અરજદારે લાગુ પડતી પેટાવિભાગીય કચેરીમાં જરૂરી દસ્તાવેજો,સાદા કાગળ પર બાહેધારી પત્ર અને નોંધણી ફી સહ નિયમ નમૂનામા અરજી કરવાની રહેશે.....



5.0 The Forum Members present at the hearing have gone through the written submissions made by both the parties and at the time of hearing heard in detail further submissions made by both the complainant and respondents and minutely perused the papers which were on record and have arrived at the conclusion that the complainant is not liable for payment of any charges raised out of improper scrutiny of documents on the part of MGVCCL.

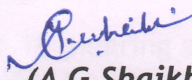
ORDER

6.0 The Forum has arrived at the conclusion that the estimate issued for dismantling of Electrical network by the respondent Deputy Engineer of Petlad (Rural) subdivision of Madhya Gujarat Vij Co Limited, to the complainant Shri Ashwinbhai N. Dalwadi is to be treated as cancelled and refund the amount if any. Further regarding not giving 2nd connection in Ag. Land in same Survey no. 530 is in order in accordance with MGVCCL letter no. MGVCCL/RE/474 dtd.03.11.16.



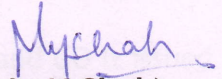
(H R Shah)

Technical Member



(A G Shaikh)

Independent Member



(Smt Mala Y Shah)

Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. **The Office address of the Ombudsman is :** The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language

*** <http://www.gercin.org/docs/Consumer%20Grievances/Procedure/Procedure.pdf>

