

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-14-2018-19
Complainant	Shri Manishbhai Natubhai Dalwadi, Tara Palace, Plot No.734, Near Garden, Mahadev Area, At : Vvnagar, Tal & Dist: Anand
Respondent	Shri Nilesh T. Patel Deputy Engineer Petlad (Rural) 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 dated 14.09.18 regarding additional load in agricultural connection Survey No.530 at village Vishnoli, Tal: Petlad. The complainant was heard at Complaint redressal Committee at circle Office Anand on dtd.20.10.18 and Order was issued by I/c. SE(O&M) Anand vide letter No.ANC/Tech/-2/6551 dtd.26.10.18 Aggrieved with the decision of CRC, the complainant approached before CGRF vide application dtd.19.11.18.

1.0 On 07.12.2018, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein complainant Shri Manishbhai N. Dalwadi appeared whereas Shri Nilesh 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 complainant is having existing Agriculture connection of 15 HP (A2 category) in survey no.530 at village Vishnoli, in the name of Shri Manishbhai Natubhai Dalwadi bearing consumer no.09421/54026/3.
- 2.2 The complainant had registered application for additional load of 10 HP in his existing connection from 15 HP to 25 HP in L.S.no. 530 on dated 28.08.18 after payment of Rs.200/- as registration charges for load enhancement.
- 2.3 At the time of registration of Additional load the applicant was informed to pay Rs.35842/- for E/O and Dismantling of HT Line and TC structure already given by letter no. PTD-R/Tech/6528 dtd. 24.8.18 alongwith additional FQ as the applicant Shri Ashwinbhai N. Dalwadi (Elder brother of complainant) applied for said new connection in the same survey no.530



- 2.4 The applicant was issued FQ of Rs.9000/- vide letter no. PTD-R/Tech/7038,dtd.12.09.18 along with letter no. PTD-R/Tech/6528 dtd. 12.9.18 to inform about payment of Rs.35842/-
- 2.5 The FQ amount of Rs. 9000/- was paid vide receipt no. NB 805472 dtd.14.09.18 and the estimate of Rs.35842/- being the Line erection and dismantling of HT Line 129 meters and TC structure of applicant Shri Ashwinbhai N. Dalwadi was paid on dtd.14.09.18 vide receipt no.NB805412 td.14.09.18 in the name of Shri Ashwinbhai Dalwadi
- 2.6 The additional load of 10HP was released on receipt of Test report on dtd.14.09.18.
- 2.7 The complainant has raised objections vide application dtd.19.11.18 before CGRF against the estimate of Dismantling charge and to clarify as per which provision of GERC it is served to him.
- 3.0 The contentions of the complainant is as under:
- 3.1 The complainant contended that the connection of his elder brother Shri Ashwinbhai N. Dalwadi was not released although the land documents 7/12 was submitted well in advance in month of April 2017 and even after the work of erection of HT Line and Transformer was completed .
- 3.2 The complainant contended that they have applied for Drip irrigation system under GGRC and approx.Rs.7.00 lakh is already invested.
- 3.3 The brick manufacturing work is totally stopped and the land is pure Ag land now.
- 4.0 The contentions of the respondent is as under:
- 4.1 He contended that the 2nd Ag connection of Shri A.N.Dalwadi in Survey no.530 was registered considering 8.30 acre continuous land area accordingly survey work carried out by Jr. Engr. Petlad subdivision However, connection was not released as per the directives from Division office since NA permission for part of land (4.15 acre) of survey no.530 for Brick manufacturing is mentioned in 7/12 documents for the period of 5 years from date of issue of order no.JMN/NA/SR/Vashi /3/2016 dtd.17.09.16 . The remaining Agriculture land is less than 8.0 acre and hence the registration made is against the norms of letter no. MGVCCL/ RE/474, dtd.03.11.16.
- 4.2 He further contended that the as per the Division office directives the procedure for dismantling the erected electrical infrastructure i.e HT Line 129 meters and 16 KVA transformer was carried out.
- 4.3 He further contended that the pending dues amounting to Rs.35842/- is of the dismantling charges calculated without material cost on the basis of cost incurred in erection and dismantling work.



4.4 The application for additional load of 15 HP + 10 HP cannot be processed unless dues pending in the same survey number is cleared.

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 observed as under;

5.1 Clause 4.30 of GERC's Supply code regulation 2015 provides that

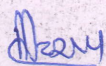
An application for new connection, reconnection, addition or reduction of load, change of name or shifting of service line for any premises need not be entertained unless any dues relating to that premises or any dues of the applicant to the Distribution Licensee in respect of any other service connection held in his name anywhere in the jurisdiction of the Distribution Licensee have been cleared.....

Provided that in case the connection is released after recovery of earlier dues from the new applicant and in case the licensee, after availing appropriate legal remedies, get the full or part of the dues from the previous consumer/owner or occupier of that premise, the amount shall be refunded to the new consumer/owner or occupier from whom the dues have been recovered after adjusting the expenses to recover such dues.

5.2 The complainant is not responsible for the work executed and dismantled for violation of point no. 1. of circular no. MGVC/RE/474, dtd.03.11.16 of new Agriculture applied by Shri A.N.Dalwadi in same survey no.530 .

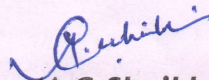
ORDER

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 Manishbhai N. Dalwadi is in order in accordance with clause 4.30 of GERC's supply code Regulations 2015 however the estimate of dismantling charges is liable to be cancelled in context to MGVC/RE/474 dated 03.11.16.



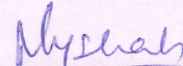
(H R Shah)

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/Cosumer%20Grievances/Procedure/Procedure.pdf>



Yours Sincerely,
For & on behalf of CGRF