

**BEFORE THE CONSUMER GRIEVANCES REDRESSALFORUM
MADHYA GUJARAT VIJ COLIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-IV-119-2014.15
Complainant	Allarakha Habibbhai Mulla, At: Taiyabpura (Kureshi Maholla), Ta: Kapadwanj, Dist: Kheda
Respondent	Shri R M Patel, Deputy Engineer, Kapadwanj REC s/dn of MGVCL
Date of hearing	13.03.2015 & 10.04.2014 both at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri A G Shah, MGVCL

The complaint dated 23.01.2015 regarding rejection of new agricultural connection at village Taiyabpura (Kureshi Maholla), Ta: Kapadwanj, Dist: Kheda.

On 13.03.2015 & 10.04.2014 both at Vadodara, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Allarakha Habibbhai Mulla appeared himself as complainant whereas Shri R M Patel, Deputy Engineer, Kapadwanj REC s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. The complainant has demanded agricultural connection for 7.5 HP load At: Taiyabpura Ta: Kapadwanj, Dist: Kheda, on dated 16.09.2012 at LS No.58 P1.
2. The application registered under Vikalp-K / 922
3. The site was surveyed by the respondent on dated 22.12.2014 and found existing single phase poultry farm connection bearing consumer No.02039/03320/3 in the name of the complainant in same survey number.
4. The Poultry farm connection is having contract load of single phase 3 KW and fed from 11 KV waterworks feeder under urban category.
5. Application for new agricultural connection is cancelled vide letter No.KPJ/REC/4428 dated 31.12.2014 due to one connection existing in same survey number and another vij connection cannot be given in same survey number.

The complainant contended that he has poultry farm of approximately size 130 ft x 132 ft and single phase connection of 3 KW for poultry purpose only and rest of land of same survey number is agricultural land. Agricultural vij connection is required in the area of agriculture land for agricultural purpose. At present, the complainant is using generator for pumping water to their agricultural land. He stated that if Agricultural Connection is given than he will not utilize power from existing 24 hours power connection.

The respondent contended that matter was referred to division office for guidelines and concerned division office Mehmabad issued guidelines vide letter No.MHD/Tech/12133 dated 28.12.2014 that agricultural connection cannot be given as single phase poultry farm connection bearing consumer No.02039/03320/3 is already there in same LS No.58 P 1. Power supply to this connection is from waterworks feeder.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that Madhya Gujarat Vij Co Limited is not giving vij connection where existing vij connection in same premises. It is being a policy matter of the Company.

The Gujarat Government has allowed electric connection to poultry farm in Agricultural land vide letter No.MGVCL/CE(T&O)/3320 dated 12.11.2014. In reference to that MGVCL has issued Circular No. MGVCL/CE(T&O)/3346 dated 14.11.2014 for releasing single phase power supply to poultry farms. In either case there is no clarification for requirement of his connection & in Agricultural land i.e. Commercial connection as well as agricultural connection in same survey number. These two activity i.e. poultry farming and agricultural is possible if land survey number is big enough then the requirement of area for poultry farm. In such cases, MGVCL can ask from the applicant for demarcation boundary line between poultry farm and agricultural land in same survey number. A guideline issued vide corporate office letter No.MGVCL:RE:DE: SPA:227 dated 17.04.2014 regarding disallowing agricultural demand when poultry farm connection exists in same LS number need to be reviewed.

For misuse of power between the two supply (i.e. 24 Hrs. and 8 Hrs. three phase supply) can be dealt by the provision of existing acts & rules. To overcome this problem, MGVCL can supply 24x7 single phase power to poultry farm from agricultural feeder having facility of Specially Designed Transformer (SDT). Therefore, MGVCL should give agricultural connection in Agricultural Land provided the applicant submit clear physical separation of land both activities i.e. poultry farm and agricultural. Restriction for agricultural farming due to commercial connection of poultry farm which is allowed by GoG Agricultural land cannot be imposed and cannot be forced to use water for irrigation purpose from other resources.

The forum is of the opinion that MGVL Circular No. 648 dated 21.04.1993 restricting to give only one connection in one survey number may justify for another Agricultural connection (over and above existing Agricultural connection) but not for two different tariffs in which poultry farming is legally allowed in Agricultural land. MGVL can ask to demand both area boundary by either fencing or wall.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to process an application and give agricultural connection in respect of Shri Allarakha Habibbhai Mulla, At: Taiyabpura (Kureshi Maholla), Ta: Kapadwanj, Dist: Kheda, LS No.58P1. .

(A G Shah)
Technical Member

(Harsha S Chauhan)
Independent Member

(P J Patel)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach 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>