

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

Subject	Consumer Grievances Complaint No.MG-I-04-2016-17
Complainant	Chacko M Thomas (Trustee), Baroda Parish of the Mar Thoma Syrian Church, Thoma Community Centre, Purnima Society Road, Fatehganj, Vadodara
Respondent	Shri D R Parmar, Junior Engineer, Gorwa s/dn Vadodara
Date of hearing	12.05.2016 at Corporate Office Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay ACE (RA&C) MGVCL Vadodara

The complaint dated 25.04.2016 regarding removing of transformer from their land.

On 12.05.2016, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein John Thomas representative of Baroda Parish of the Mar Thoma Syrian Church and Lina Thomas member of Baroda Parish of the Mar Thoma Syrian Church appeared on behalf of complainant whereas Shri D R Parmar, Junior Engineer, Gorwa 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. Due to low voltage problem, MGVCL has erected new transformer within compound wall boundary of Premjyoti Community with the consent of Premjyoti Trust.
2. The complainant has raised objection to erect the transformer at present location on the basis of that land owner is Baroda Parish of the Mar Thoma Syrian Church. For the same, the complainant had submitted documents from Vadodara Mahanagar Seva Sadan (VMSS) and Taluka Development Officer (TDO).
3. MGVCL has not considered the fact and commissioned the transformer so the complainant requested the Forum to shift the transformer from their premises without any shifting charges.

The representative of the complainant contended that

- Survey No.664 having total area 86000 sq ft was decided to purchase in May 2011. The price of the area was not under their reach due to limited financial position. Therefore the land mutually divided between Prem Jyoti Community and the Baroda Parish of the Mar Thoma Syrian Church. The construction of boundary wall completed after May 2014. Subsequently, TP scheme had announced. The survey No.664/1 was in two parts which is revised as OP 74 to RP 76 belongs Premjyoti Community and OP 75 to FP 77 belongs to Baroda

Parish of the Mar Thoma Syrian Church. MGVCCL has erected transformer in their land i.e. FP 77 on 08.07.2015.

- They have submitted application to MGVCCL s/dn on dated 09.07.2015 with all legal documents showing disputed land where transformer is erected belongs to Baroda Parish of the Mar Thoma Syrian Church. Though, they have approached to Division office as well as Circle office of MGVCCL the transformer charged on 26.09.2015. VMSS has also wrote letter to Deputy Engineer MGVCCL Gorwa s/dn on dated 14.10.2015 and 07.01.2016 confirming land where transformer erected belongs to Baroda Parish of the Mar Thoma Syrian Church and erected to shift it.
- Complaint Redressal Committee (CRC) of MGVCCL dated 16.11.2015 and 15.02.2016 ordered us to pay shifting charges. They have again appeal on 04.03.2016 to MGVCCL but in vain. Hence requested the forum to give justice.

The respondent contended that

- The complainant is neither consumer nor prospective consumer
- Due to low voltage problem in the area of Janakpuri, Zupadpatti area and Premjyoti Community, MGVCCL has erected new 63 KVA transformer in the premises of Premjyoti Community under IPDS scheme where there is a clearcut demarcation of land by permanently constructed compound wall. The transformer location is on Premjyoti Community side. The transformer was charged on 26.09.2015. The place where the transformer is erected is in the possession of Premjyoti Community (they have given approval to erect transformer).
- The complainant had complained not to erect the transformer at present location being its ownership of Baroda Parish of the Mar Thoma Syrian Church, for which necessary documents submitted by the complainant.
- There is nearby Flyover Bridge and there was no other place available to erect new transformer to solve low voltage problem of that area. Therefore, they have made survey of surrounding area and finally with the mutual agreement with Premjyoti Community, the transformer erected at the current place. MGVCCL has considered premises covered with compound wall so there may not be any dispute for the ownership of other party.
- However, as per the order of CRC MGVCCL, MGVCCL agreed to shift the transformer if other suitable location given by the complainant with the payment of shifting charges as per rules for which complainant not agree.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that

- Authority letter 05.05.2016 submitted during hearing of the Forum by the complainant is not signed by the trustee as on the date of the letter. Baroda Parish of the Mar Thoma Syrian Church letter dated 05.05.2016 informed that Trustees of Baroda Parish of the Mar Thoma Syrian Church for the year 2016-17 are changed and new Trustees are Thomas Zachariah and Diputhankachen and future correspondence may be done in the name of these trustees.

- The authority letter authorizing Mr John Thomas is signed by Mr Chacko M Thomas who is not the Trustee or authorized to make correspondence with MGVCL. It should be as per new Trustee elected for the year 2016-17.
- The premises where the transformer is erected is presently in the possession of Premjyoti Community. There is a clearcut demarcation between Premjyoti Community and Baroda Parish of the Mar Thoma Syrian Church by compound wall.
- The dispute regarding the ownership of the land is not in the purview of MGVCL. MGVCL has clearly informed the complainants that if the present compound wall demarcation proved to be wrong by the concern authority then correct it at their end and or suggest suitable undisputed location to shift the transformer after payment of shifting charges as the present erection is as per norms of MGVCL.

In view of the above discussion, the Forum is of the opinion that considering the present occupancy of the disputed land by Premjyoti Community and their consent taken to erect transformer is in order. Forum not seeing any wrong practice adopted for erection of transformer. The transformer charged at the earliest is in the larger interest of consumers residing in that area who were facing low voltage problem. The utility should not be made platform to resolve the internal dispute of consumers of any kind.

ORDER

The Forum directs the complainant Baroda Parish of the Mar Thoma Syrian Church, Thoma Community Centre, Purnima Society Road, Fatehganj, Vadodara, that order given by Complaint Redressal Committee (CRC) MGVCL dated 15.02.2016 and Corporate Office MGVCL's letter No.CE(T&O)/OP/Grievances/JE.T/1127 dated 19.04.2016 are in order. Shifting charges is applicable in current case.

(B J Upadhyay)
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>