

**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-I-18-2015.16
Complainant	Shri Chandrakantbhai Prahladbhai Patel, At & Post : Navagam, Tal: Kapadwanj, Dist : Kheda
Respondent	Shri R M Patel, Deputy Engineer Kapadwanj REC s/dn of MGVCL
Date of hearing	05.06.2015 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 18.05.2015 regarding cancellation of agricultural vij connection in Survey No.126/2

On 05.06.2015, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Chandrakantbhai Prahladbhai Patel 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 10 HP load, At: Navagam, Tal: Kapadwanj, Dist: Kheda, on dated 17.09.2012 at LS No.126/2.
2. The application registered under Vikalp-K / 771
3. The site was surveyed by the respondent on dated 28.10.2014 and found existing single phase poultry farm connection bearing consumer No.02038/00510/9 in the name of the complainant in same survey number.
4. The Poultry farm connection is having contract load of single phase 0.5 KW and fed from 11 KV waterworks feeder under urban category.
5. Application for new agricultural connection is cancelled by MGVCL vide letter No.KPJ/REC/Tech/Estt/4427 dated 31.12.2014 stating that as agricultural vij connection exists in the same survey number so another vij connection cannot be given in the same survey number as per rules.

The complainant contended that he has poultry farm of approximately size 110' x 25' and having single phase connection of 0.5 KW for poultry purpose only bearing consumer No.02038/00510/9 and rest of land of same survey number is being utilized for agricultural purpose. Agricultural vij connection is required in the area of agriculture land for agricultural purpose. He further contended that he is using generator for pumping water to agricultural land. He stated that if Agricultural Connection is given than he will not utilize power from existing poultry farm's 24 hours power connection.

The respondent contended that as two connections cannot be given in same survey number, the matter was referred to their division office for guidelines. The division office Mehmabad had issued guidelines vide letter No.MHP/Tech/HT/12133 dated 28.12.2014 that agricultural connection cannot be given as single phase poultry farm connection bearing consumer No.02038/00510/9 is already there in same LS No.126/2.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that normally 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. In reference to that MGVCL had 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 vij 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 than 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.

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 being used for agricultural purpose provided the applicant submit clear physical separation of land for both activities i.e. poultry farm and agricultural. Restriction for agricultural farming in agricultural area due to commercial connection of poultry farm which is allowed by GoG in 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 MGVCL 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 the applicant to demark both area boundary by either fencing or wall. In similar case in respect of Shri Allarakha Habibbhai Mulla, At: Taiyabpura (Kureshi Maholla), Ta: Kapadwanj, Di: Kheda, complaint No. MG-IV-119-2014.15, the forum has ordered to give agriculture connection and MGVL has responded it positively by issuing letter to their field offices vide MGVL/RE/DE/SPA/227 dated 17.04.2014

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to process an application and give agricultural connection in respect of Shri Chandrakantbhai Prahladbhai Patel, At & Post : Navagam, Tal: Kapadwanj, Dist : Kheda, LS No.126/2.

(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>