

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 MG-IV-27-2017-18
Complainant	Shri Devendrabhai C Patel, Yash Bunglow, Railway Station Road, At village : Uttarsanda, Tal: Nadiad, Dist: Kheda
Respondent	Shri G M Patel, Deputy Engineer of Chaklasi s/dn of MGVCL.
Date of hearing	19.01.2018 at Vadodara

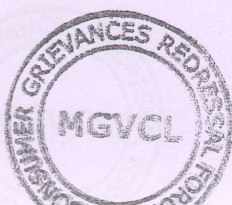
QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay CE (T&O) MGVCL Vadodara

The complaint dated 01.01.2018 regarding submitted his grievances for making refund of full line cost recovered from him for his industrial demand in NA land at RS No.1535, Milkat No.3104 outside gamtal area, village Uttarsanda, Tal: Nadiad for the load demand of 40.5 KW for the purpose of Gruh Udyog (Papad Udyog).

On 19.01.2018, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Mukeshbhai Patel appeared on behalf of complainant Shri Devendrabhai C Patel, whereas Shri G M Patel, Deputy Engineer of Chaklasi s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief history of the case is as under:

1. The complainant had applied for load of 40.5 KW for industrial purpose on 06.02.2017 i.e. Gruh Udyog (Papad Udyog) at RS No.1535, Milkat No.3104 at village Uttarsanda, Tal: Nadiad, outside gamtal area.
2. Accordingly, after survey etc, TS was accorded on 17.02.17 by Division office in which i.e. involved HT line 0.75 Km, TC 63 KVA, TS amount Rs.4,86,958/-,
3. FQ issued on 18.02.17 with line charge amounting to Rs.4,44,108/-, Fixed Charge Rs.43550/-, Security Deposit Rs.1,14,447/-, totaling Rs.6,02,205/-.
4. FQ paid on 01.03.17.



5. Work was completed on 20.05.17

6. Connection was released on 08.08.17.

The representative of the complainant contended that at village Uttarsanda, RS No.1535, having are of 17405 Sq metres, out of which, 8903 Sq metres of land has been declared as NA by the authority. Party had then applied for new industrial vij connection in the said land but Respondent i.e. Deputy Engineer Chaklasi s/dn of MGVCL has given full line cost in line with the circular No.76 & 76(A) of MGVCL.

Further, complainant had argued that since Government of Gujarat has issued new two nos of Resolutions in which directives has been given that outside gamtal area under NA land if commercial, industrial connection is demanded then only fixed cost charges are to be recovered from the party so party raised his grievances for refund of line charges paid by him on 01.03.17.

The respondent contended that as per recent directives of corporate office of MGVCL Vadodara letter No.2545 dated 20.09.207 of Chief Engineer (T&O) MGVCL on the basis of THARAV of GoG Gandhinagar dated 23.08.2017.

Party is demanding for refund of line charges paid by him so circular No.76 & 76(A) has been scrapped so since party has paid the payment on 01.03.17 necessary directives may be given to address his grievances.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that letter No.2545 dated 20.09.207 issued by Chief Engineer (T&O) MGVCL on the basis of THARAV of GoG Gandhinagar dated 23.08.2017. Party is required to be issued fixed line cost for his LT power demand outside gamtal area.

This issue has also been reviewed in detail and THARAV of GoG EPD Gandhinagar No.GUV-2016-3885-K1 dated 24.01.2017 is reproduced below where matter has been addressed & clarified.

ગામતળ બહાર વિવિધ હેતુ માટે વીજ જોડાણો આપવાની સર્વગ્રાહી નીતિ અમલમાં મુકવા બાબત.

ગુજરાત સરકાર

ઉર્જા અને પેટ્રોકેમિકલ્સ વિભાગ

ઠરાવ ક્રમાંક - ૨૦૧૬-૩૮૮૫-ક૧

સચિવાલય, ગાંધીનગર

તારીખ - ૨૪/૦૧/૨૦૧૭



(૪) ખેતી વિષયક અથવા અન્ય હેતુ માટેની જમીનમાં ઔદ્યોગિક, વાણિજ્ય, એગ્રો ઇન્ડસ્ટ્રીઝના વીજ કનેક્શનો માટેની ૨૪ કલાકના ફીડર પરથી વીજ કનેક્શન આપવાની સર્વગ્રાહીનીતિ

(1) આવા કનેક્શનો માટે નીચે પ્રમાણેના ધારાધોરણો છે.

૩) ૬ કિ.મી. કરતાં વધુ વીજમાંગ હોય અને અરજદાર સતત વીજ પુરવઠો મેળવવા ઇચ્છતો હોય તો શ્રી ફેઝ વીજ જોડાણો નજીકના જેજીવાય / અર્બન ફીડર પરથી વાસ્તવિક ખર્ચ વસુલીને લાગુ પડતા ટેરીફ આધારે રહેશે. .

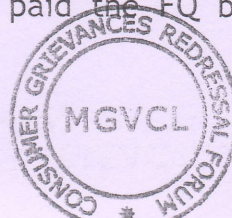
Recently, GoG Tharav dated 23.08.2017 has approved modification in his earlier Tharav dated 24.1.2017 especially for Sr No.3,4 & 5 which is reproduced herebelow:

3. Policy for giving 24 hours electric connection to Ashram Shala, Adarsh Nivas etc units owned by the State / Central government any institute in Agricultural land.
4. Policy for giving 24 hours electric connection to industrial, commercial, Agro industries in agricultural land and or land of any other purpose.
5. Policy for giving 24 hours electric connection to Poultry Farm, cattle shed, Fisheries Farm, cow shed, tobacco crushers, Mobile tower, Milk chilling plant etc all government activity.

Hence, as per the recent GoG Tharav dated 23.08.2017 followed by GUVNL circular dated 01.09.2017, it is directed that, for the above condition 3,4 & 5 irrespective of the situation of the premises of applicant i.e. in gamtal or outside gamtal if the demand is made for category as stated in Sr No.3,4 & 5 above, for exclusive NA land estimate for power connection may be recovered on the basis of demand & only fixed cost charges basis. If the land in simvistar for the above condition No. 3,4, & 5 is agricultural land then, recovery of estimate for giving him 24 hours power supply, should be actual as per work involved.

Hence, in line with the original Tharav dated 24.01.2017 and subsequent revised Tharav dated 23.08.2017 wherein condition Nos.3, 4 & 5 of original Tharav have been revised so for this case, condition No.4 pertains to demand of industrial connection have been revised that in NA land outside gamtal area if party applies for power supply for industrial purpose then DISCOM has to recover only fixed charge cost from the party.

In view of the above resolution CE (T&O) MGVCL has given guidelines to all field officer No.MGVCL/Tech/1545 dated 20.09.17 that circular become effective for those applications who have been issued estimate before 01.09.2017 here in this case of Shri D C Patel, estimate has been issued on 18.02.2017 so it becomes applicable. Further, in the aforesaid letter, it is also mentioned that if applicant has paid the EQ but his work is not over by

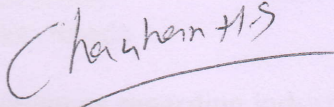


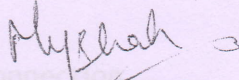
16.09.2017, such type of applicants are also eligible for refund of line charges & only fixed charge cost is required to be retained with the DISCOM.

Hence, on the basis of these records & directives, Forum members issued following order.

ORDER

The Forum has come to the conclusion that the MGVL shall refund the line charges to complainant Shri Devendrabhai C Patel, Yash Bunglow, Railway Station Road, At village : Uttarsanda, Tal: Nadiad, Dist: Kheda, by retaining fixed charge cost, Security Deposit etc with DISCOM as per rules.


(Harsha S Chauhan)
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>

