

**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-I-1-2017-18
Complainant	Shri Dineshchandra Shantilal Desai, Sat Orda, Desai Vago, Nadiad, Dist: Kheda
Respondent	Shri M D Dalwadi, Deputy Engineer, Chaklasi s/dn of MGVCL.
Date of hearing	21.04.2017 at Vadodara

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

The complaint dated 15.03.2017 regarding industrial connection in RS No.323 village Salunvata Tal: Nadiad in agricultural land - processing estimate thereof.

1.0 On 21.04.2017, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein son appeared on behalf of complainant Shri Dineshchandra Shantilal Desai whereas Shri M D Dalwadi, Deputy Engineer, Chaklasi s/dn 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 had applied for 40.5 KW ice factory industrial connection at RS No.323, Milkat No.1499 at village Salunvata Tal: Nadiad in agricultural land on 09.11.2016.

2.2 Technical Sanction was given by Chaklasi s/dn office vide No.CHL/Tech/5603 dated 11.11.2016 involving 40 metres HT line and 63 KVA transformer.

2.3 Original FQ was issued on 16.11.16 which was paid by complainant on 5.12.2016.

2.4 After completion of work, TMN was given by Chaklasi s/dn office on 23.1.17.

2.5 At the time of scrutiny of file at the division office after work completion, it was observed that there was less recovery of estimate of Rs.43510/- in eurja system. Hence, Deputy Engineer Chaklasi s/dn office had issued revised estimate of Rs.43510/- on 10.02.17 which was paid on 10.02.17.



2.6 The said connection was released on 14.2.17

- 3.0 The representative of the complainant contended that estimate issued by the MGVCCL is not as per GERC Regulations. It was also represented that as per Notification No.9 of 2005 upto 100 KW vij connection only fixed charges to be recovered. He has also represented that the land acquired was for industrial purpose vij connection at RS No.323, Milkat No.1499 at village Salunvata, Tal; Nadiad outside gamtal area where land in question is of agricultural purpose. Hence, the estimate is not supported with any kind of GERC regulations. Representative of complainant had supported his vocal arguments of past such cases where he had made the party to make the payment without GERC regulations & similarly he had to approach all Forums for justice. Complainant thus requested Forum to refund excess amount paid by him which was more than a recovery of fixed charges as per GERC notification. He further represented that, he had applied for 41 KW connection and estimate issued was Rs.3,32,467/- (Line charge of Rs.1,74,370/- + Fixed charge of Rs.43510- + Agreement fee of Rs.100/- + Security Deposit of Rs.1,14,447/-) which was paid by complainant on dated 05.12.17 & on dated 10.02.2017).
- 4.0 The respondent further contended that as per the provision of the GERC. It is allowed to release power connection situated in sim-vistar / agricultural land by recovering actual cost subject to ceiling of Rs.1 lac to be released from Ag Dom feeder with load limit of 3 KW due to technical constraint of SDT. However, for this complainant, having demand of 40.5 KW (industrial vij connection at RS No.323, Milkat No.1499 at village Salunvata Tal: Nadiad which is outside gamtal area in agricultural land which is more than 3 KW and also seek connection from continuous power supply (JGY feeder) i.e. for this particular case, it is from 11 KV Badapura JGY feeder. Since, it is an industrial purpose at RS No.323 & that too also outside gamtal area & in agricultural land whose load is more than 3 KW so, proposed from CPS (continuous power supply) feeder, Hence, DISCOM has recovered the actual cost from the prospective consumer.
- 5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and as per the letter of GERC dated 24.06.2014 "has allowed DISCOM to recover the actual cost with maximum amount of Rs.1 lac from prospective lighting connection in agricultural land from Ag DOM feeder with load limit of 3 KW". In view of this, any connection outside gamtal above 3 KW cannot be catered from Ag DOM feeder due to technical constraint of SDT and if consumer wants to have facility for continuous power supply, it can be considered from other category (i.e. urban / JGY) feeder for which he has to pay full estimate charges. In instant case, party is in need of more than 3 KW load hence he has to pay full line cost. 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 - ૨૦૧૬-૩૮૮૫-૬૧



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

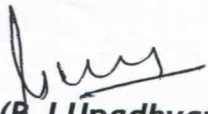
(૧) આવા કનેક્શનો માટે નીચે પ્રમાણેના ધારાધોરણો છે.

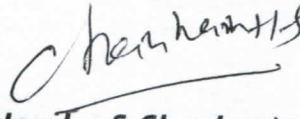
૩) ૬ કિ.મી. કરતાં વધુ વીજમાંગ હોય અને અરજદાર સતત વીજ પુરવઠો મેળવવા ઇચ્છતો હોય તો શ્રી ફેઝ વીજ જોડાણો નજીકના જેજીવાય / અર્બન ફીડર પરથી વાસ્તવિક ખર્ચ વસુલીને લાગુ પડતા ટેરીફ આધારે રહેશે.

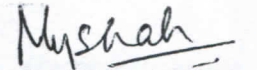
6.0 In view of the above discussion & provisions, norms of GERC, the Forum is of the opinion that the recovery of full cost is in order.

ORDER

The Forum thus directs the complainant Shri Dineshchandra Shantilal Desai, Sat Orda, Desai Vago, Nadiad, Dist: Kheda that estimate issued for availing industrial connection at RS No.323 village Salunvata Tal; Nadiad from JGY feeder to have facility for continuous power supply amounting to Rs.3,32,467/- is in order.


(B J Upadhyay)
Technical Member


(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 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>

