

**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-IV-44-2015-16
Complainant	Shri Shaileshkumar Mahendraprasad Trivedi, 201, Ajanta Apartment-1, Rayanwadi Society, Bamroli Road, Godhra, Dist : Panchmahals
Respondent	Shri G J Bamania, Deputy Engineer Godhra East s/dn of MGVCL.
Date of hearing	21.01.2016 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri P K Agrawal, MGVCL Vadodara

The complaint dated 06.01.2016 regarding disconnection of power supply & change of name.

On 21.01.2016, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Shaileshkumar Mahendraprasad Trivedi & Shri R M Trivedi, Retired Bank Manager & Social worker appeared on behalf of complainant whereas Shri G J Bamania, Deputy Engineer Godhra East 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 is doing his business in a shop. It's electrical connection is in the name of his father late Shri Mahendraprasad Girijashankar Trivedi, having consumer No.17706/ 00117/2 as commercial lighting connection.

2. The use of building is being done as residential as well as commercial purpose and it is divided in three parts i.e. 302 (A), 302 (B) & 302(C).
3. The complainant doing his business in part 302 (A) and rest of the building is occupied by his younger brother Shri Yatinkumar Mahendraprasad Trivedi.
4. The complainant is operating above shop since 1981 and its respective electricity bills are being paid by him.
5. As per verbal distribution of property between father and complainant as well as Shri Yatinkumar M Trivedi, it was decided and written on plain paper signed by their father that shop running by Shri Shaileshkumar M Trivedi is to be handed over to him and the first floor to be given to Shri Yatinkumar M Trivedi. It is also mentioned that they will stay with Shri Yatinkumar M Trivedi till he & his wife (i.e. parents of complainant) alive.
6. On dated 28.02.2014 their father had made notarized Power of Attorney on stamp paper of Rs.100/- in which it is mentioned that property part No.302 (C) is allotted to Shri Yatinkumar M Trivedi including its management as deem fit in future.
7. Shri Yatinkumar M Trivedi had asked MGVCL vide his letter dated 06.01.2014 to temporary disconnect electric connection of the shop run by his brother Shri Shaileshkumar M Trivedi. Accordingly, MGVCL had disconnected the connection on 25.01.2014.
8. Before disconnection of power, the complainant had requested MGVCL and submitted letter dated 18.01.2014 for not to disconnect

connection of his shop. He is the occupant of the shop and vij connection is in the name of his father.

9. The complainant had requested MGVCL several times and asked information under RTI as well as applied to Lokdarbar. Subsequently, MGVCL corporate office, Vadodara had taken decision to reconnect and reconnection done on 03.01.2015.
10. Being a property dispute, the complainant had requested Forum to order MGVCL not to disconnect his connection in future. Being legal occupant of the premises where he is doing his business, he also requested to order MGVCL for change of name of his shop connection on his name.
11. His father expired on 16.05.2014.
12. The complainant has asked compensation from MGVCL for the loss of income during disconnected period (working days 299) and other expenses amounting to Rs.4,24,000/- Plus interest thereon.

The complainant contended that he is running electrical shop named as “Krupalu Electricals” located at near Ranchodji Temple, Godhra. It is registered in the year 1981 having shop registration No.3/61 in his name i.e. Shri Shaileshkumar M Trivedi. It is periodically renewed and at present it is renewed upto December 2016 by the Shop Inspector of Godhra Nagarpalika. Registration Form C is also in the name of Shri Shaileshkumar M Trivedi and shop premises is in the name of his late father Shri Mahendraprasad G Trivedi. Ancestral property consists of three parts i.e. 302 (A), 302 (B) & 302(C). Shop occupied by him is 302 (A). 302 (B) is shop-cum-residence of his younger brother Shri Yatinkumar M Trivedi and 302 (C) is a passage being

used as approached passage for the first floor. The property occupied by his brother having separate connection. His father made notarized Power of Attorney on dated 28.02.2014 on stamp paper of Rs.100/- wherein it is clearly mentioned that part 302 (C) is given to his brother Shri Yatinkumar M Trivedi and given full authority to operate it in near future as deem fit. In whole of Power of Attorney nowhere it is mentioned for the shop which is occupied by him i.e. 302 (A). On dated 01.09.1990 his father had made WILL on plain paper in which in first para it is written in gujarati language is as under:

શ્રી શૈલેષકુમાર ની ઇચ્છા દુકાન સ્વતંત્ર તેમના નામે કરી આપવા માટેનો આગ્રહ છે. જે મને માન્ય છે અને તેની સામે રહેઠાણ શ્રી યતિનકુમારના નામે કરી આપવા પણ શ્રી શૈલેષકુમાર સંમત છે. તેથી હું ઉપર પ્રમાણે મોટા દિકરાને રણછોડજી મંદિર સામેની દુકાન તેના નામે કરી આપું છું અને ઉપરનું રહેઠાણ શ્રી યતિનકુમારના નામે કરી આપુ છું પરંતુ અમો બંને જીવીએ ત્યાં સુધી અમારે આ ઘરમાં રહેવાનું અબાધિત હક્ક રાખીને કરી આપું છું. જે માટે શ્રી યતિનકુમાર (નાનો દીકરો) સંમત થઈએ છીએ.

Hence, shop 302 (A) was also allotted to him and doing business till date. Due to family dispute, his brother has given application to MGVCL for temporary disconnection of his shop No.3/61. Though he made an objection to MGVCL on 18.01.2014, MGVCL has disconnected the power on 25.01.2014. His father as alive at that time but in unconscious state and subsequently expired on 16.05.2014, the shop cannot be run without power as frequent testing and operation of electrical gazette is required to do business. He has made frequent requests to MGVCL as well as in Lokdarbar and after long

struggle MGVCL had reconnected power on 09.01.2015 i.e. after 299 days. If closure of shop as per labour law is being considered he remained without job for this MGVCL should pay compensation for 299 days for no fault. For property dispute, civil suit No.RCS/57 of 2014 is pending in the civil court. It is requested the Forum to give justice, for the harassment.

The respondent contended that based on the application of Shri Yatinkumar M Trivedi with the notarized Power of Attorney made by his father, the connection of shop No.3/61 having consumer No.17706/ 00117/2 was disconnected on 25.01.2014. The complainant had made several representations to the higher authority and as per decision of the higher authority, the connection was reconnected on 09.01.2015. The disconnection and reconnection is as per rules so no financial compensation is admissible. He also stated that complainant is not a consumer as connection is in the name of his father. For change of name, the complainant has not applied to s/dn office till date.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that electrical connection of Shop No.3/61, place 302 (A) is in the name of late Shri Mahendraprasad G Trivedi. Shri Shaileshkumar M Trivedi son of Shri M G Trivedi is doing his electrical business in this shop. The name of the shop is “Krupalu Electricals”. The complainant is doing his business at this location since 1981 and his father has given in writing in a simple paper in 1990 in which the shop allotted to Shri Shaileshkumar M Trivedi. Power of Attorney (Vasiyatnamu) given on notarized stamp paper of Rs.100/- on 28.02.2014, in which only survey number part 302 (C) is mentioned. It seems that the documents submitted by the complainant for the sole ownership of the premises is not very clear and owner name of his father is continued till date. Shri Shaileshkumar M Trivedi is occupant of the premises 302 (A) since

long and paying bills regularly to MGVCL. Shri S M Trivedi being legal heir & occupant of the premises MGVCL should not disconnect power supply connection. The decision taken to reconnect power is as per the rules. The disputed property is subjudized in the civil court of Godhra. So process for change of name cannot be undertaken. At the same time, the connection cannot be disconnected without valid reason as per rules.

In view of the above discussion, the Forum is of the opinion that in absence of proper submission of documents and study of its contents, primary disconnection and subsequently after verifying documents and clause of Supply Code, the decision taken to reconnect of power by MGVCL is as per rules.

ORDER

The Forum directs the complainant Shri Shaileshkumar Mahendraprasad Trivedi, 201, Ajanta Apartment-1, Rayanwadi Society, Bamroli Road, Godhra, Dist : Panchmahals, that in absence of proper submission of documents proving for legal occupancy of the premises, the action taken by Madhya Gujarat Vij Co Limited for disconnection / reconnection is in order and no compensation allowed for the same. For change of name, it is required to apply in for proper format to MGVCL after clear order for ownership of premises. The Forum also directs Madhya Gujarat Vij Co Limited to consider Shri S M Trivedi as legal occupant of Shop registered No.3/61, 302 (A) till its ownership decided for which civil suit pending in the court.

(P K Agrawal)
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>