

**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-10-2016-17 (A)
Complainant	Shri Kantibhai Mohanlal Patel, 316 Kadamnagar Society, Nizampura, Vadodara
Respondent	Shri K M Panchal, Deputy Engineer of Halol Rural s/dn of MGVCCL.
Date of hearing	30.06.2016 at Halol

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

The complaint dated 16.06.2016 regarding shifting of pole & electric line at LS No.77/2 village Vaseti, Tal: Halol & S No.241/2 village Vitoj, Tal: Halol.

On 30.06.2016 at Halol, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Kantibhai Mohanlal Patel as complainant and also his son Shri V K Patel appeared whereas Shri K M Panchal, Deputy Engineer of Halol Rural s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. M/s. Jay Khodiyar Oil Industries, at LS No.241/2 village Vitoj, Tal: Halol & M/s. Patel Agro Equipments at LS No.77/2 of village Vanseti, Tal: Halol. Both the sick units are purchased by complainant Shri Kantibhai Mohanlal Patel through GSFC auction in the year 1993.
2. At the time of purchase, both the connections are in PDC status.
3. The land of both units is already NA and complainant has submitted NA order of both units.
4. There is another line erected in the year 2006 at the time of Jyotigram Yojana.
5. The complainant has requested Forum to shift obstructing lines without paying shifting charges as it was erected without his consent.

The complainant contended that M/s. Jay Khodiyar Oil Industries, having consumer No.07326/00088/3 at LS No.241/2 village Vitoj, Tal: Halol. There are three high tension lines are passing through his plot. The factory site is not

regularly visited due to factory is closed and there is no vij connection. Although NA orders of both units have been submitted vide Taluka Panchayat, Halol's letter No.1374 dated 21.05.1985 and another Taluka Panchayat, Halol's letter No.1770 dated 16.12.1985, the erstwhile GEB (MGVCL) cannot erect line obstructing to his factory premises. He has also made series of correspondences with local office of MGVCL for shifting of the same. But till date, MGVCL is insisting for payment of shifting charges to shift the line. As obstructing line laid by MGVCL is without consent of the complainant and also NA land, MGVCL is requested to shift the line without payment of shifting charge and to give justice.

The respondent contended that for M/s. Jay Khodiyar Oil Industries at LS No.241/2 village Vitoj, Tal: Halol, there are three 11 KV HT lines out of which only one line 11 KV Madar agricultural line is obstructing. The said line was erected in 2004 at the time of erection. There was no any objection raised from complainant, when the complainant demanded for shifting of the said line. The site was surveyed and shifting charge amounting to Rs.1,22,970/- was issued to party for which no payment is made. Similarly, M/s. Patel Agro Equipments at LS No.77/2 of village Vanseti, Tal: Halol, line obstructing was erected in the year 2006 and on receipt of the demand for shifting of the same, site was surveyed and shifting charges of Rs.1,02,768/- was issued to the party which is not paid till date. In both the units at the time of erection of the obstructing line, the complainant has not raised any objection and objected after one and half years. Hence, the complainant is liable to pay shifting charges. As per GERC Supply Code, Chapter No.13, sub-clause no.13.1 & 13.2 for any alteration line or service line, licensee has to process the application after recovery of requisite shifting charges. It is also mentioned that both the premises are having outstanding arrears, which is not cleared so far.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that both the above units purchased by the complainant Shri Kantibhai Mohanlal Patel are having NA land and copy of same NA order submitted to MGVCL on demand. Old vij connection is in PDC status due to pending arrears. As both above sites are not visited by the complainant frequently due to the units in shutdown condition so the above said erection of obstructing line may not be known to complainant. It is also fact that at the time of erection of these obstructing lines due care should have been taken by MGVCL for not erecting line from the private premises. In instant case, it is also noticed that no consent was taken from the complainant at the time of erection of the said line. As per provision under Supply Code, Clause No.4.30 "An application for new connection, reconnection, addition or reduction of load. change of name or shifting of service line for any premises need not be entertained unless any dues relating to that premises or any dues of the applicant to the Distribution Licensee in respect of any other service connection held in his name anywhere in the jurisdiction of the Distribution Licensee have been cleared.

Provided that in case the connection is released after recovery of earlier dues from the new applicant and in case the licensee, after availing appropriate legal remedies, get the full or part of the dues from the previous consumer/owner or occupier of that premise, the amount shall be refunded to the new consumer/owner or occupier from whom the dues have been recovered after adjusting the expenses to recover such dues” so MGVL cannot shift line without clearing pending dues.

In context of the above Supply Code, the complainant has to clear all dues before implementation of this order in respect of alteration in existing position.

ORDER

The Forum directs the complainant Shri Kantibhai Mohanlal Patel, 316 Kadamnagar Society, Nizampura, Vadodara (site at Survey No.77/2 village Vaseti, Tal: Halol & Survey No.241/2 village Vitoj, Tal: Halol, to clear the dues of both the premises as per provision under clause No.4.30 of Supply Code dated 24.09.2015 without clearing outstanding dues no alteration is allowed.

The Forum also directs Madhya Gujarat Vij Co Limited to shift the line erected after NA land permission after clearance of old arrears as same premises without recovering any shifting charges.

(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