

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ COLIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-II-31-2015.16
Complainant	Shri Salambhai Galabhai Chauhan, At : Khakhanpur Tal: Umreth, Dist : Anand
Respondent	Shri M.D. Rathwa, Executive Engineer, MGVCL Anand(O&M) Division & Shri R.G. Sharma, Deputy Engineer, MGVCL, Umreth Rural Sub-division.
Date of hearing	09.10.2015 at Anand

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara

The complaint dated 24.09.2015 regarding not to release new agricultural vij connection.

On 09.10.2015, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein representative Shri Bhagwanbhai Salambhai, son of Shri Salambhai Galabhai Chauhan appeared on behalf of complainant & Shri R.G. Sharma, Deputy Engineer, Umreth Rural Sub-division 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 had applied for new Agriculture Vij connection at survey No.25/4, Village Khakhanpur, Tal: Umreth, Dist: Anand on dtd.01/01/2014. The estimated charge of Rs.11,100/- paid on 21/05/2015,
2. The adjacent field owners, Shri Alabhai Panchabhai Chauhan & Devsinh Udesinh Chauhan have objected to give vij connection to the complainant. The complainant has asked Police protection to erect the line. The MGVCL has erected the pole, but due to the objection of above two persons the work could not be completed. Requested the Forum to look into the matter and order MGVCL to give new vij connection.

The complainant contended that initially MGVCL was going to give his connection along with the two other nearby connections from 11 KV Sundalpura Agri. Dom. Feeder by laying the line along the road side. It was objected by the nearby Farm

House owners to lay 11 KV HT line. Subsequently with the common consent of the Villagers and affected parties, the line and transformer centre erected from other route. As per their mutual understanding, he has paid pro-rata amount to the farmers from whose land the line is passing as compensation. LT line erected for Shri Alabhai Punchabhai Chauhan & Devsinh Udesinh Chauhan but while laying LT line for his Agriculture connection, both have taken objection and not allowing MGVCL to lay the line.

The Respondent contended that they had surveyed the location and issued an estimate for laying HT line from nearby Sundalpura Agri. Dom. Feeder along the road side. It was objected by the cluster of Farm house owners along the road side and not allowed to erect HT line. The matter was not finalized for a long period; meanwhile the complainant and the others two approached the MGVCL with suggestion of another route where there was no objection from other Villagers. Accordingly line was laid on another route and transformer centre erected. LT line for Ag-connection to Shri Alabhai Punchabhai Chauhan & Devsinh Udesinh Chauhan erected and TMN issued to both. While erecting LT line for Shri Salambhai Galabhai Chauhan & Shri Bhagwanbhai Salambhai Chauhan, Shri Alabhai Punchabhai Chauhan & Devsinh Udesinh Chauhan have taken objection and not allowing to erect LT line from same transformer centre. The matter is under dispute. MGVCL has taken help of local Police but could not lay LT line due to strong objection of both. The MGVCL has no objection to give the connection to the complainant, but due to way-leave problem the work of connections cannot be released.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that MGVCL could have taken Police protection for laying HT line along the road side as per original survey which was not passing through any private premises. However, as per the mutual understanding between the concern applicants for Agri. connection and Villagers, the connection to the complainant should be given from the rerouted and erected HT line and transformer centre. The power line and the transformer centre are the property of the distribution licensee. The distribution licensee can alter it as per

technical requirement and maintain throughout to cater power to the consumers. In instant case, the line erected for a group of prospecting consumers and any objection for not to give connection to others from the same transformer cannot be entertained. The existing applicant / consumers on the same line and transformer centre cannot take objection for such purpose. It is also the duty of the applicant to arrange way leave permission as per the supply Code, Notification No.11 of 2005, Section 4, clause No.4.11.4.

The Forum is of the opinion that MGVL can take the help of the Sarpanch /Police / SRP to complete the pending works and to release the connection.

ORDER

The Forum directs Shri Salambhai Galabhai Chauhan to arrange for way-leave permission as per the supply Code, Notification No.11 of 2005, Section 4, clause No.4.11.4.

The Forum also directs Madhya Gujarat Vij Company Ltd to take action as per the provision of Acts & Rules to clear the objection and give connection as early as possible.

(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>