

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2019 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-03-2023-24
Complainant	Shri Maheshbhai J Thakkar, 298/4 GIDC, OPP: Lucky Restaurant, Behind Lakod Complex, Makarpura, Vadodara 390010.
Respondent	Shri H H Rathod, Dy Engineer, Jambuva s/dn of MGVCCL.
Date of hearing	25.05.2023 at Corporate Office, MGVCCL Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri K B Dhebar, (RA&C) MGVCCL Vadodara

The complaint dated 26.04.2023 regarding release of industrial connection at Survey No.328 at village Vadadla, Tal & Dist: Vadodara.

1.0 On 25.05.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Maheshbhai J Thakkar appeared himself as whereas Shri H H Rathod, Dy Engineer Jambuva s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard

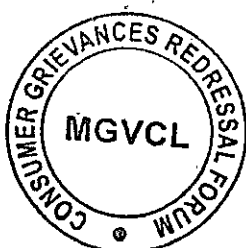
2.0 The brief history of the case is as under:

2.1 The complainant Shri Maheshbhai J Thakkar, had applied for 10 HP on dated 31.10.2022 for their unit located at Survey No.328 at village Vadadla, Tal & Dist: Vadodara.

2.2 They paid registration amount on dated 12.11.2022 & FQ charges on 19.11.2022.

2.3 Respondent MGVCCL had visited their site for Line erection work on dated 21.11.2022 & issued work order to contractor for commencement of work.

2.4 At the time of line erection work Shri Bharatbhai Bhailalbhai Patel and Shri Natubhai C Gohil had not allowed the contractor to erect poles.



2.5 Respondent MGVCL received written objection regarding erection of LT line from Shri Bharatbhai Bhailalbai Patel and Shri Natubhai C Gohil on 09.01.2023.

2.6 In order to resolve dispute regarding erection of LT line, MOM between Shri Maheshbhai Thakkar & Shri Bharatbhai made in presence of Dy Engineer Shri N N Parmar, Dy Engineer, Jambuva, that no objection to Shri Bharatbhai if poles erected on the opposite side of land of Shri Bharatbhai i.e. but any objection come that time the responsible person will be Shri Maheshbhai J Thakkar.

2.7 On dated 10.01.2023, complainant has demanded to Shri Bharatbhai for measurement of land.

2.8 On dated 20.01.2023, respondent wrote a letter to Shri Maheshbhai Thakkar to provide way leave permission letter of land.

2.9 On dated 24.01.2023, respondent has wrote a letter to Talati Vadadla, to provide measurement of land of Shri Bharatbhai Patel.

2.10 Based on panchnama dated 09.01.2023, complainant has written a letter to respondent to erect electric pole and on the same day complainant has written a letter to respondent that there is no evidence that the land is of Shri Bharatbhai Patel.

2.11 Respondent has written a letter on dated 01.02.2023 regarding way leave permission to complainant and on dated 07.02.2023 the contractor has started the work to erect pole but faced objection.

2.12 On dated 14.02.2023, some village people have objected to erect pole and line to respondent.

2.13 On dated 14.02.2023, Jambuva division has written a letter to Shri Bharatbhai Patel to submit papers and also inform to Shri Maheshbhai Thakkar to submit way leave permission. In this connection, on dated 17.02.2023 Shri Maheshbhai Thakkar has written a letter to Jambuva division that it is not the responsibility of me.

2.14 On dated 20.02.2023, the complainant has submitted consent to pay estimate of laying underground cable to respondent. In response to this, on dated 27.02.2023, respondent has issued



an estimate to Shri Maheshbhai Thakkar which is still not paid by the complainant.

- 3.0 The representative of the complainant contended that -
- 3.1 Complainant argued that the land on which poles are erected, is government land. At present, the RCC road existing towards his land and poles already erected existing on road side.
- 3.2 Shri Bharatbhai Patel could not submitted measurement sheet of land where he is objecting to erect LT line.
- 3.3 He is unable to pay a huge estimate of Rs.5 lacs towards giving power supply by underground cable.
- 3.4 Respondent may provide power supply by overhead LT line after observing necessary formalities to resolve dispute raised by Shri Bharatbhai Patel and any other.
- 4.0 The respondent contended that -
- 4.1 Due to dispute raised by Shri Bharatbhai Patel, the work for catering power supply to complainant is hampered.
- 4.2 Further necessary actions will be taken for settlement of dispute.
- 5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and considering them in detail, findings are as under:
- 5.1 The work for catering 10 HP power supply to complainant is delayed due to objection raised by Shri Bharatbhai Patel.
- 5.2 The complainant has to submit way leave permission as per clause No. 4.27(4) of GERC Electricity Supply Code 2015.

4.27(4) :

During the inspection, the licensee shall:

The Distribution Licensee shall obtain the necessary way leaves and permissions for laying down the service lines for the supply of power. The applicant shall fully co-operate with the Distribution Licensee in obtaining such necessary way leaves and permissions. However, where the consumer has no frontage abutting a public street and where the service line has necessarily to cross over or go under other property, the consumer shall obtain the



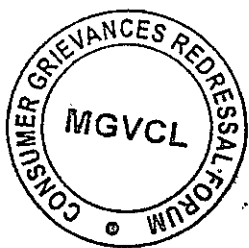
necessary way leave and permission at his own expense and continue them as long as supply is to be maintained. Should, however, the way leaves or permissions be withdrawn, the Supply may be cut off forthwith, subject to the provisions of Acts, rules and regulations for the time being in force. Any extra expense incurred in laying the service line and maintaining the same in accordance with the way leaves shall be recovered from the Consumer. The Applicant shall provide necessary undertaking to the Distribution Licensee if required.

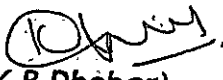
- 5.3 The respondent may ask objectioner Shri Bharatbhai Patel to submit land measurement sheet and to provide clear-cut marking of his land so that power supply work can be completed. If require, the respondent may carry out work under police protection.
- 5.4 Since work of providing power supply is delayed due to circumstances beyond control of respondent, complainant is not eligible for any compensation.

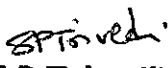
ORDER

6.0 The Forum has come to the conclusion as -

- 6.1 The work for catering 10 HP power supply to complainant Shri Maheshbhai J Thakkar, at Survey No.328 Tal & Dist: Vadodara, is delayed due to objection raised by the objectioner to lay electric line.
- 6.2 The respondent may ask objectioner to submit land measurement sheet and to provide clear-cut marking of his land so that power supply work can be completed. If require, the respondent may carry out electrification work under police protection AND
- 6.3 Since work of providing power supply is delayed due to circumstances beyond control of respondent, complainant is not eligible for any compensation.




(K B Dhebar)
Technical Member


(S P Trivedi)
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.3.19 (viii) of GERC Notification No.2 of 2019.

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

