

GRF 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-04-2024-25
Complainant	1. Shri Mintukumar K Tiwari, 2. Shri Upendra Budhilal Agrawal, 3. Laxmi Bhupendrabhai Agrawal, 4. Hiteshkumar N Padhiyar, 5. Jagruti Kunal Mahale, 6. Shri Bharatbhai H Thakkar, Survey No.307, Shop No.455 to 460 & 463 Village - Bajwa, Dist: Vadodara
Respondent	Shri M V Chauhan, Dy Engineer Koyli s/dn of MGVCL
Date of hearing	29.04.2024 & 20.05.2024 both at Corporate Office, MGVCL Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri B J Desai, (RA&C) MGVCL Vadodara

The complaint dated 24.08.2021 of Shri Bharatbhai H Thakkar, Bajwa, Dist: Vadodara regarding requirement of electric connection at Shop No.455 to 460 & 463 under Survey No.307 of Bajwa Gram Panchayat, Bajwa, Dist: Vadodara.

As per Hon'ble High court of Gujarat oral order dated 02.04.2024 against SCA No.14529 of 2022 the complainants requested to attend CGRF on 29.04.2024.

1.0 On 29.04.2024, representative from the complainant Shri Bharatbhai H Thakkar submitted a letter for another date vide their application dated 29.04.2024 and on 20.05.2024, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Bharatbhai H Thakkar appeared on behalf of all complainants whereas Shri M V Chauhan, Dy Engineer Koyli s/dn appeared as respondent on behalf of MGVCL before the Forum.

2.0 The brief history of the case is as under:

2.1 Mintukumar Kameshwar Tiwari and Others(5) had applied for new commercial connection on Survey No.307, 308, Gandhi Road, Bajwa.

2.2 RCA No.1686 of 1995 was filed by the consumer M/s Geeta Iron and Brass, against erstwhile Gujarat Electricity Board, for mandatory injunction (stay)



on slowness bill amounting to Rs.2,00,967.96. Suit disposed on 30.10.2017 on grounds of absence of plaintiff, change of name was not processed.

2.3 M/s Geeta Iron and Brass Works (HT Connection) PDC connection in the same premises at Survey No.307, 308, Bajwa, and the due arrears were unpaid by the firm.

2.4 For the recovery of dues, MGVCL filed Special Civil Suit No. 82/2008 on 02/02/2008. The claim amount was Rs. 8,81,942/-.

2.5 The Special Civil Suit No.82/2008 was disposed by the court on 10/10/2018 on the ground of limitation period (Bill of Slowness from 07/01/1993). The dismissal was not justified as per Section 56(2) of The Electricity Act, 2003.

2.6 Against which MGVCL had filed Appeal vide CMA (DC) No.- 254/2019 in District Court, Vadodara, which was admitted on 02/11/2021 and Regular Civil Appeal No.118/2021 was given. Next hearing Date is 03.07.2024.

2.7 Since the individual connection is demanded by Director of M/s. Gita Iron & Brass Works P Ltd., & Other tenant in the same premises where there are pending dues, new connection cannot be released as per Clause No.4.30 of Supply Code of GERC, Gandhinagr.

2.8 The complainants have filed SCA No.14529/22 at Hon'ble High Court of Gujarat and as per oral order, it is to decide their application before CGRF.

2.9 Complainant Shri Bharatbhai H Thakkar has submitted a letter to CGRF on 29.04.2024 through their representative along with documents and asked time to submit power of attorney of other complainants.

2.10 The CGRF MGVCL has issued Daily Order on 04.05.2024 stating that granting adjournment and accordingly next date of hearing was scheduled on 20.05.2024.



2.11 The complainants have given written submission to MGVCL vide letter dated 05.06.2024 enclosing various documents which is as under:

- i. MGVCL letter dated 19.03.2021
- ii. 7 & 12 na Utara of Gita Irons & Brass
- iii. Copy of Bajwa RS No.308 no 7 & 12 no utaro
- iv. Panchayat tex receipt of 455 to B648
- v. Aakarani patrak of 455 to 465
- vi. Energy bill copy of RS No.307 & 308
- vii. Order of Special Mu No.82/2008

3.0 The representative of the complainant contended that -

3.1 Complainants at Sr. No. 1 to 5, are the legal tenants of Shri Bharatbhai Himmatlal Thakkar, hiring the shops in the NA land bearing Survey No.307 and 308 at Village Bajwa, District Vadodara.

3.2 The complainants have demanded new electricity connection for commercial purpose in different shops.

3.3 All the applications of new connection were rejected by respondent MGVCL without any reason, so they had filed first application before MGVCL CGRF.

3.4 Shri Bharatbhai Himmatlal Thakkar, one of the complainants who did not receive proper proceedings in pursuance of the above application, once again submitted to the Chief Minister on 22/01/2022. In response, it was informed that MGVCL had filed RCS No.82/2008 against M/s Gita Irons & Brass Work P Ltd. Since new applications demanded connection in the same premises, applications were rejected by MGVCL.

3.5 But MGVCL lost that suit in RCS No.82/2008 detailing the claims. As it is known and only the name M/s. Gita Irons & Brass Work P Ltd., is mentioned therein, they were not made a party in any way nor the said company is situated in their premises so the said litigation has no relevance to complainants.

3.6 The original owner of the plot bearing Survey No. 308 was Shri Himmatlal Thakkar, who divided the entire plot into three parts based on a will out of which :



- The first 30142 sq ft space has been given to Keval Vidhaya Rang Foundation charity trust which has all the power connections given by MGVCL which is still ongoing.
- A second 30142 sq ft premises is owned by Shri Nandubhai Himmatlal Thakkar from which has all the power connections required by different tenants which is currently operational.
- The third portion is 30142 sq ft in the share of Shri Bharatbhai Himmatlal Thakkar and complainants have demanded new power connection to the rented premises.

3.7 It is thus seen that survey No.307 - 308 of the premises which was more than 90000 sq ft in total area has been given electricity connection in two parts and only the application of electricity connection to complainant is dismissed without reasonable grounds due to improper litigation of M/s. Gita Irons & Brass Work P Ltd., which equates to an unjustified act.

3.8 It is further submitted that it is a separate question of law whether the respondent is to receive any amount due from M/s. Gita Irons & Brass Work P Ltd., Even now, it is recorded in the government books that even though the complainant has no existence of company on the premises, it is totally wrong and illegal for them to come under the pressure of any unknown party and new connections had not been granted so far.

3.9 No action has been taken for applicants' new connection application since 2021 and hence applicants has filed SCA No.14529/22 at Hon'ble High Court of Gujarat and as per oral order, it is requested to decide our application at the earliest.

3.10 For above referred new electric connections, respondent in case No.82/2008 against the order have admitted appeal in district court but that appeal does not restrict to provide new electric connection to the applicants.

3.11 Looking to the respondent's representation, it seems that in Survey No.307, many other electric connections had been other than us and if



any dues of MGVCL are pending then there effect may come on other connections but at present without any restrictions, connections are given to tenant.

3.12 To get electricity connection is the fundamental right of the complainant. Connections so far not released by the respondent MGVCL is improper and wrong action so complainant should be provided new electric connection at the earliest.

3.13 The complainant has prayed that -

- i. Respondent may give new electric connections to 7 nos of room.
- ii. MGVCL may bar connection in survey No.306 for pending dues of M/s. Gita Irons & Brass Work P Ltd., and give connections in our survey No.307 for 7 nos of shops.

3.14 Complainant hereby humbly requested to grant the connections to the applicant as per the prevailing GERC and MGVCL rules.

4.0 The respondent contended that-

4.1 M/s. Gita Iron & Brass Works P Ltd., was having HT connection No.13012 in Survey No.306 / 307 of village Bajwa, Dist: Vadodara. Shri Bharatbhai Himmatlal Thakkar was one of the Director of M/s. Gita Iron & Brass Works P Ltd.

4.2 This HT consumer was served suppl bill amounting to Rs.2,00,968/- for slowness of energy meter.

4.3 Since the consumer had not make payment of suppl bill, MGVCL had filed SCA No.82/2008 on 02/02/2008 for recovery of Rs.8,81,942/- which includes DPC - Delay Payment Charges.

4.4 The Special Civil Suit No.82/2008 was disposed by the court on 10/10/2018 on the ground of limitation period (Bill of Slowness from 07/01/1993). The dismissal was not justified as per Section 56(2) of The Electricity Act, 2003.



4.5 Against which MGVCL had filed Appeal vide CMA (DC) No.- 254/2019 in District Court, Vadodara, which was admitted on 02/11/2021 and Regular Civil Appeal No.118/2021 was given. Next hearing Date is 03.07.2024.

4.6 Since the individual connection is demanded by Bharatbhai Himmatlal Thakkar who was the Director of M/s. Gita Iron & Brass Works P Ltd., & Other tenant in the same premises where there are pending dues, new connection cannot be granted as per Clause No.4.30 of Supply Code of GERC, Gandhinagr.

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 M/s. Gita Iron & Brass Works P Ltd., was HT consumer, at village Bajwa, Dist: Vadodara, against which, regular RCA No.118/2021 is pending for recovery of claim amount of Rs.8,81,942/-.

5.2 Since the individual connection is demanded by Bharatbhai Himmatlal Thakkar the than Director of M/s. Gita Iron & Brass Works P Ltd., & Other tenant in the same premises where there are pending dues of M/s. Gita Iron & Brass Works P Ltd., new electric connection cannot be entertained as per Clause No.4.30 of Supply Code of GERC, Gandhinagr, which is reproduced hereinbelow:

“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 prernises 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

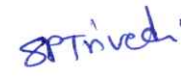
the dues from the previous consumer/owner or occupier of that premise, the amount shall be refunded to the new consumer/owner or occupier from whom the dues have been recovered after adjusting the expenses to recover such dues”.

6.0 The Forum has come to the conclusion that -

6.1 Since the individual connection is demanded by Bharatbhai Himmatlal Thakkar the then Director of M/s. Gita Iron & Brass Works P Ltd., & Other tenant in the same premises where there are pending dues of M/s. Gita Iron & Brass Works P Ltd., new electric connection cannot be entertained as per Clause No.4.30 of Supply Code of GERC, Gandhinagar.

6.2 The respondent MGVL's action not to entertain new connection demanded by the complainant 1. Shri Mintukumar K Tiwari, 2. Shri Upendra Budhilal Agrawal, 3. Laxmi Bhupendrabhai Agrawal, 4. Hiteshkumar N Padhiyar, 5. Jagruti Kunal Mahale, 6. Shri Bharatbhai H Thakkar, Survey No.307, Shop No.455 to 460 & 463 Village - Bajwa, Dist: Vadodara, is in order as per Clause No.4.30 of Supply Code of GERC, Gandhinagar.


(B J Desai)
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.
- 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.
- 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

