

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-II-13-2023-24
Complainant	Shri Hitendra Bavalal Patel, 2, Arihant Apartment Behind Badrinath Flat, Ellora Park, Vadodara 390023 (Connection at Shop No.2 & 3 at Plot no.69, Atma Jyoti Nagar Society Ellora Park, Vadodara)
Respondent	Shri K G Prajapati, Dy Engineer, Gotri s/dn of MGVCL
Date of hearing	25.08.2023 MGVCL Corporate Office Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri K B Dhebar, CE (Proj) MGVCL Vadodara

The complaint dated 31.07.23 (mentioned in application is 01.08.23) regarding Grant of new commercial connection at Shop No.2 & 3 at Plot no.69, Atma Jyoti Nagar Society Ellora Park, Vadodara.

1.0 On 25.08.2023, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Hitendra Bavalal Patel, appeared himself whereas Shri K G Prajapati, Dy Engineer, Gotri s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 The complainant was carrying out business at Shop No.2 & 3 at Plot no.69, Atma Jyoti Nagar Society Ellora Park, Vadodara. Due to some disputes with Shri Sureshbhai V Patel the then owner of the premises the shop was closed. Therefore, the power was disconnected in the month of Oct 1996.

2.2 The connection at this place was existing in the name of Shri Bavalal G Patel, i.e. complainant's father having consumer No.15413/01285/3

2.3 Father of the complainant was expired on 24.12.1998. The Special Civil Suit was filed by Shri Bavalal G Patel, vide bearing No.285/1996 against the landlord regarding illegal dispossession done by landlord.

2.4 Thereafter, complainant has requested respondent Gotri s/dn to restore power supply on 17.07.2023 & also applied online on 19.08.2023 by paying necessary charges.



2.5 The complainant has received SMS on 27.07.2023 regarding rejection of application on the ground of no proof of an ownership submitted with application. The amount paid by complainant was also refunded to him.

2.6 Aggrieved from above, complainant has approached to the Forum on 31.07.2023 for granting of electricity connection.

3.0 The representative of the complainant contended that -

3.1 The complainant was consumer of erstwhile Gujarat Electricity Board till he was illegally disposed by then landlord.

3.2 The Vadodara Civil court has held that possession be restored. Therefore, the complainant has regained his possession. Therefore, complainant is entitle to get electric connection.

3.3 When the Court has restored possession, the ownership documents or consent are not required.

3.4 The refusal on the ground of non-ownership is unjust, unfair, improper & illegal.

3.5 Complainant had prayed to Forum to direct Gotri s/dn MGVCL to release electric supply connection at Shop No.2 & 3 at Plot no.69, Atma Jyoti Nagar Society Ellora Park, Vadodara.

4.0 The respondent contended that -

4.1 When applicant had applied for the commercial connection through application no 286066, he had only uploaded the tax receipt of the Sureshbhai R Patel and Aadhar card of Shri Hitendra b Patel.

4.2 As there was mismatch in the identity card and ownership document and applicants name, the application was rejected. During the hearing, the applicant produced court order for the same which was not uploaded during the application process. The amount paid by complainant was refunded.

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 Respondent's action to reject complainant's application for commercial connection is in order as there was mismatch in the identity card and ownership document and applicant name. The complainant not uploaded Court order.

5.2 Hon'ble Addl. Civil Judge Vadodara vide order dated 5/6/2020 the then landlords ordered to hand over possession of the suit property to the plaintiff i.e complainant in this case.



5.3 Respondent is required to take opinion of Legal department of MGVCCL / Panel Advocate in this regard and also confirm the status of case whether any appeal against the judgement is made or not?

5.4 After getting legal opinion in the matter, inform suitably to the complainant to apply for electricity connection or otherwise.

ORDER

6.0 The Forum has come to the conclusion that -

6.1 Respondent's action to reject complainant's application for commercial connection is in order as there was mismatch in the identity card and ownership document and applicant name. The complainant not uploaded Court order.

6.2 Respondent is directed to take legal opinion of Legal department of MGVCCL / Panel Advocate in the SCS No.285 of 1996 and also confirm the status of case whether any appeal against the judgement is made or not?

6.3 Respondent is directed to inform suitably to the complainant Shri Hitendra Bavalal Patel, 2, Arihant Apartment, Behind Badrinath Flat, Ellora Park, Vadodara 390023 (Connection at Shop No.2 & 3 at Plot no.69, Atma Jyoti Nagar Society Ellora Park, Vadodara), to apply for electricity connection or otherwise as per legal opinion within 15 days from the receipt of this order.

6.4 The respondent is directed to submit his Action Taken Report to the Forum within 15 days.




(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

