

**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**

Complaint No.	MG-IV-38-2024-25
Complainant	M/s. Nagami Nicotine P Ltd., Shed No.C1B-43/2, G I D C Nandesari, Tal & Dist: Vadodara
Respondent	Deputy Engineer, Nandesari Sub-Division, MGVCCL
Date of hearing	29.01.2025 at MGVCCL Corporate Office, Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri P C Patel, ACE (RA&C) MGVCCL Vadodara

The complaint dated 17.01.2025 regarding release of new LT connection of 3 KW.

1.0 On 29.01.2025, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Maqsood Saiyed along with Shri G.R. Darji appeared on behalf of complainant M/s. Nagami Nicotine P Ltd. whereas Shri J.B. Pathak, Deputy Engineer 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 Ms Nagami Nicotine Pvt. Ltd. has registered an application for new 3 KW NRGP at Plot No.C1B, 42/3, GIDC Industrial Estate, Nandesari, Tal & Dist: Vadodara.

2.2 The complainant has paid an amount of Rs. 11,395.60 on 18.12.2023, on-line on MGVCCL's Portal, towards charges for the new connection under pre-paid mode.

2.3 During survey at site it was observed that a connection in the name of Ms Rang Converter was existing in the said premises. As per record this connection was released on 11.09.2017. Therefore, the new connection in the name of Ms Nagami Nicotine Pvt Ltd. was not approved by MGVCCL Nandesari Sub-Division.

3.0 The representative of the complainant contended that -

3.1 The Shed No. C1B-42/3 admeasuring 775.10 sq. meter of GIDC Nandesari is allotted to Nagami Nicotine Pvt. Ltd. by GIDC order dated 12/10/1988 and possession receipt is obtained in name of Maksud Saiyed on behalf of Nagami Nicotine Pvt. Ltd. on 13/10/1988.

3.2 Two connections from Nandesari S/ Dn. No. 02418/00130/0 Industrial of 35 KW and 02418/01744/3 lighting 1.5 KW released on 14/04/1989 were made PDC 28/02/2010 with arrears of Rs. 32341.63 as on 31/03/2017.

3.3 The registration was made for new commercial connection of 3 KW on 11/12/2023 and paid estimate on 18/12/2023 of Rs.11,395.60 but connection is not released either physically or by billing so far. This is violation of regulation standard of Performance which is reproduced below :

9.1 "GUJARAT ELECTRICITY REGULATORY COMMISSION (GERC) Standard of Performance of Distribution Licensee Notification No. 10 of 2005

CHAPTER IX

RELEASE OF NEW ELECTRIC CONNECTION

Domestic and Non-domestic

9.2 Every application to a distribution company for a new electric connection for general purpose (Light, fan and small appliances) shall be allotted a priority number. The company shall normally issue demand note for consumer contribution, security deposit and service line charges, if any, within 7 days of receipt of application and shall release the connection within 20 days of receipt of demand note amount and completion of requisite formalities. Receipt of all amounts paid by consumers to the company by cheque shall be deemed paid on realization of the cheque. The licensee shall ensure that the cheque shall be deposited within 1 working day in the licensee's Bank. The requisite formalities shall also include access to land for installation of transformer circuit breakers, if required, and meters.

The above time limit for release of connection after receipt of demand note amount will be subject to the condition that distribution system exists and connection is technically feasible, and will meet with safety requirements. In case the supply requires extension of mains, or commissioning of new substations, the aforesaid time limit will count from the date, the distribution system is laid/ augmented and the likely duration will be conveyed in demand note. In any case the connection should be provided within 2 months in case of urban area. This duration would exclude the time attributable to the consumer / local authority. In case of rural areas provision of connection is also subject to national policy on rural electrification and shall be provided within 4 months from the date of receipt of demand note amount. Further, any such extended period should also be conveyed to the Commission for its record.

Bulk Power Connections:

9.3 Bulk Power connections are to be released, in time bound manner as detailed below:

Sl. No. ITEM/ACTIVITY TIME LIMIT (Within)

1 Loads up to 100 KVA 100 KW

Issue of Demand Notice Within 10 days of receipt of application.

Release of connection Release of connection within 20 days after compliance of formality/demand notice if no augmentation is required otherwise 60 days.

3.4 It is fact that at the allotted shed owned and possessed by Ms Nagami Nicotine Pvt. Ltd. Company being disputed property (Vivadit Prashnavali Milkat), the new connection was released on 11.09.2017 by the Sub Division without their consent and final transfer order of GIDC, even though there was arrears at time of PDC which was never paid by them. Letter dated 15.06.2018 of MGVCL for "Mafi Yojana 2017 "stating arrears

Rs.32,241.63 with interest Rs. 12,362.24 outstanding on 15.06.2018 was not served on them.

3.5 It is learnt that the staff who went to release the new connection might have come back as electricity connection was existing in their premises in the name of Shree Rang Convertors.

3.6 They had applied for PDC of said unlawful electricity connection given in name of Shree Rang Convertors and same has been removed by MGVL on 09.08.2024.

3.7 Their grievances dated 26/11/2024 transferred to Circle Level Committee and Order passed on 19/12/2024. However, the reason mentioned in said order that premises is "Vivadit Prashnavali" (disputed property) and electricity connection cannot be given is baseless and erroneous against equity. During hearing it was represented that they have lease hold rights in the GIDC Shed No. C1B 42/3 as on date and so far no final transfer order of the Shed is issued by GIDC to enable MGVL to give electricity connection to Shree Rang Convertors.

3.8 Presently, there is no electricity connection existing in GIDC Shed No. C1B 42/3 and connection needs to be released on the basis of payment of Rs.11,395.60 made by them on 18/12/2023.

3.9 They have also prayed for reimbursement of damages, cost for losses incurred by them due to refusal of connection by MGVL, restoration of their rightful electricity connection and recognition of their lawful ownership of the premises.

4.0 The respondent contended that -

4.1 The Plot No. C1B 42/3 in Nandesari GIDC was sold by M/s Nagami Nicotine Pvt. Ltd. to M/s. Rang Convertors on January 27, 2017 as per ownership documents i.e. Index No. 2 issued by the Sub-Registrar Office, Gorwa which was submitted by M/s. Rang Convertors along with the application for new connection in the premises. The connection was

released in the name of Ms Rang Converters as Conn. No. 51212/02431/8 on 11.09.2017, based on the ownership document

4.2 The application of complainant for release of new 3 KW connection in the same premises was processed through Central Processing Centre (CPC), MGVCL based on the on-line documents submitted.

4.3 At the time of site survey, it was observed by MGVCL Nandesari Sub-Division that an electric connection in the name of M/s. Rang Converters is existing in the same premises. Hence, the connection of complainant was not granted. Process is being undertaken as per rules to refund the estimate charges paid by the complainant.

4.4 Based on the representation received from the complainant, electric connection in the premises is temporarily disconnected and Notice issued to M/s Rang Converters to submit final name transfer certificate from GIDC in their name.

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 Presently there is an existing connection in the GIDC Plot No. C1B 42/3, Nandesari in the name of M/s Rang Converters being Conn. No. 51212/02431/8, which is temporarily disconnected.

5.2 The application of Ms Nagami Nicotine Pvt. Ltd. for 3 KW new connection in the GIDC Plot No. CIB 42/3, Nandesari is not considered by Respondent MGVCL due to existence of electric connection in the name of Ms Rang Converters bearing Conn. No. 51212/02431/8 in the same premises.

5.3 The Clause 8.4 of GERC Supply Code-2015 provides as under:

"The licensee shall, after the connection is temporarily disconnected as per clauses 8.3(2), 8.3(3) and 8.3(4), issue a notice to the consumer to remove the cause of disconnection within 180 days failing which the supply shall be disconnected permanently."

ORDER

6.0 The Forum has come to the conclusion that

6.1 The application of M/s Nagami Nicotine Pvt. Ltd. for 3 KW new connection in the GIDC Plot No. CIB 42/3, Nandesari is not considered by Respondent MGVL due to existence of electric connection in the name of M/s Rang Converters bearing Conn. No. 51212/02431/8 in the same premises is in order.

6.2 The prayer of the complainant for reimbursement of damages, cost for losses incurred by them due to refusal of connection by MGVL and recognition of their lawful ownership of the premises cannot be considered.

6.3 Respondent MGVL shall take necessary action in accordance with Clause 8.4 of the GERC Supply Code-2015 in regards to the Temporary Disconnection of Conn. No. 51212/02431/8 in the name of M/s Rang Converters, in the GIDC Plot No. CIB 42/3, Nandesari.


(P C Patel)
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, Ground Floor & First Floor, CMIS Building Telephone Exchange, Bimanagar, Jeevandham Road, Ahmedabad 380015, 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