

**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-12-2016-17
Complainant	M/s. Sai Petroleum, C/o Sky Electricals, No.6, Shree Ram Complex 2, Near Sardar Patel Statue, VVnagar Dist : Anand
Respondent	Shri N T Patel, Deputy Engineer, Petlad Rural s/dn of MGVCCL
Date of hearing	15.07.2016 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri B J Upadhyay ACE (RA&C) MGVCCL Vadodara

The complaint dated 13.06.2016 regarding estimate charges of new commercial vij connection demanded.

On 15.07.2016, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Mukesh A Patel a representative of the complainant holding Power of Attorney and Shri PG Prajapati, partner, as appeared on behalf of M/s. Sai Petroleum whereas Shri NT Patel, Deputy Engineer, Petlad s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. M/s. Sai Petroleum had applied for 10 KW NRGp power connection on 28.03.2016 for the purpose of Petrol pump, Survey No.842/2, 843, 844 & 845 near Bandhni chawdki at village Korda Tal: Petlad, Dist: Anand in NA land.
2. TS was accorded vide division office on dated 21.05.2016 by Executive Engineer Petlad division office.
3. Estimate was issued amounting to Rs.4,09, 872/- on dated 26.05.2016 by Deputy Engineer Petlad Rural s/dn office as per Technical Circular No.76.
4. Meanwhile, the applicant approached MGVCCL to review for higher estimate charges served to him. MGVCCL after due scrutiny revised the estimate on 05.07.2016 considering overhead line instead of underground cable.
5. Revised FQ was then issued to the party amounting to Rs.1,96,205/- on dated 08.06.2016 which was paid by the complainant on 09.06.2016. Thereafter, work was completed on 04.07.2016 and TMN was issued on 05.07.2016.
6. Party had then represented to the Forum to review the estimate charges by considering fixed charge as per provision of GERC,

The representative of the complainant contended that estimate issued by the MGVCCL is not as per GERC Regulations. It was also represented that as per Notification No.9 of 2005 upto 100 KW residential, water works and commercial vij connection only fixed charges to be recovered. He has also represented that the land acquired was for Petrol pump which is non-agricultural purpose. Hence, the estimate is not supported with any kind of GERC regulations. Complainant requested Forum to refund excess amount paid by him which was more than a recovery of fixed charges as per GERC notification. He further represented that, he had applied for 20 KW connection earlier and estimate issued was Rs.4,25,792/- on dated 04.03.2016. However, the same was cancelled by party on 23.03.2016.

The respondent further contended that as per the provision of the GERC & issuance of subsequent technical circular No.76 (based upon provision of GERC) , it is allowed to release lighting connection situated in sim vistar / agricultural land by recovering actual cost subject to ceiling of Rs.1 lac to be released from Ag Dom feeder with load limit of 3 KW due to technical constraint of SDT. However, for this complainant, having demand of 10 KW (Petrol pump) which is more than 3 KW and also seek connection from continuous power supply (JGY / urban) i.e. for this particular case, it is from 11 KV Mehlay JGY feeder. Since, it is a petrol pump whose load is more than 3 KW proposed on CPS (continues power supply) feeder, DISCOM has, therefore, recovered the actual cost from the prospective consumer.

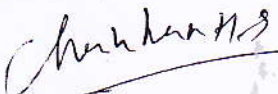
The Forum Members present at the hearing considered contention of both the parties and perused the records and as per the letter of GERC dated 24.06.2014 "has allowed DISCOM to recover the actual cost with maximum amount of Rs.1 lac from prospective lighting connection in agricultural land from Ag DOM< feeder with load limit of 3 KW". In view of this, any connection outside gamtal above 3 KW cannot be catered from Ag DOM feeder due to technical constraint of SDT and if consumer wants to have facility for continuous power supply, it can be considered from other category (i.e. urban / JGY) feeder for which he has to pay full estimate charges. In instant case, party is in need of more than 3 KW load hence he has to pay full line cost.

In view of the above discussion & provisions, norms of GERC, the Forum is of the opinion that the recovery of full cost is order.

ORDER

The Forum directs the complainant M/s. Sai Petroleum, C/o Sky Electricals, No.6, Shree Ram Complex 2, Near Sardar Patel Statue, VVnagar Dist : Anand, that estimate issued for availing commercial connection from JGY feeder to have facility for continuous power supply amounting to Rs.1,96,205/- is in order.


(B J Upadhyay)
Technical Member


(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>