

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ COLIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-I-14-2015.16
Complainant	Shri V.R. Kapoor, Representative of M/s. Sankalp Quarry Works, At & Post Timba, Ta. Godhra.
Respondent	Shri S.H. Gandhi, Deputy Engineer, & Shri A.A. Shaikh, Senior Assistant MGVCL, (O&M) Division Office, Godhra.
Date of hearing	29-05-2015 at MGVCL, Circle Office, Godhra.

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri A G Shah, MGVCL

The complaint dated 20.05.2015 regarding switch over from LTMD to HT connection at village Timba, Ta. Godhra, Dist. Panchmahals.

On 29/5/2015, Shri V.R. Kapoor, representative of the complainant and Shri S.H. Gandhi, Deputy Engineer, MGVCL, (O&M), Division Office, Godhra and Shri A.A. Shaikh, Senior Assistant, Division Office, Godhra as respondent appeared before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. The existing LTMD connection in the name of M/s Sankalp Quarry Works bearing consumer No. 19950/01192/2 for 90 KW load.
2. Applied for switch over to HT connection for 350 KVA load.
3. Though required documents submitted to the Division Office, Godhra, MGVCL has cancelled their application without assigning any reason.
4. In MGVCL, the HT applications are being registered at their respective Circle Office whereas in instant case instead of Godhra Circle Office, their application was registered at Division Office. It has leads to delay in processing of their application.
5. The Quarry was purchased on 1/2/2010 from Bhagyashree Quarry Works by its one of the proprietor Smt Shilpaben Kiritkumar Patel through Sale Deed bearing registered No. 810 in Sub-Registrar Office, Godhra.
6. The index copy and entry made in 7/12 Utara was submitted to MGVCL along with their HT application. In the abstract of 7/12, name of Smt Shilpaben Kiritkumar Patel shown as partner of Bhagyashree Quarry Works.

7. An undertaking on non-judicial stamp of Rs.100/- duly notarized dated 04.05.2012 submitted to Forum on 29.05.2015 stating that Smt. Shilpaben Kiritkumar Patel is the owner of M/s. Sankalp Quarry Works, Timba.
8. In the records of MGVCL, the name of Bhagyashree Quarry Works got changed to M/s Sankalp Quarry Works and its sole partner is only Smt. Shilpaben Patel. Change of name from Bhagyashree Quarry Works to Sankalp Quarry Works registered by MGVCL on 15/10/2010.
9. They are receiving LTMD bill in the name of M/s Sankalp Quarry Works since October-2010.
10. MGVCL has registered their application for HT connection and accepted registration charges Rs. 3500/- vide M.R. No.031267 dated 22/8/2014.
11. SE (O&M) Godhra has cancelled their HT application without assigning any reason for cancellation.
12. The complainant has requested the Forum to give justice.

The complainant contended that MGVCL has already accepted change of name from Bhagyashree Quarry Works to Sankalp Quarry Works and till date energy bill is being issued in the name of Sankalp Quarry Works. Now due to additional load requirement, applied for HT connection for 350 KVA contract demand. Their HT application is already registered by Executive Engineer (O&M) MGVCL Godhra Office. MGVCL has raised query to submit legal documents in the name of Sankalp Quarry Works. They have submitted same documents as at the time of change of name. There is no change in documents since the approval in the name of Sankalp Quarry Works in the same premises which was originally Bhagyashree Quarry Works. MGVCL has now cancelled their applications illegally so requested Forum to give justice.

The respondent contended that the complainant has asked conversion from LT (90 KW load) to HT (350 KVA load). Their application was registered on 22/8/2014 in the name of Sankalp Quarry Works. It was surveyed on 30/8/2014. At the time of survey, the location of main gate was found not as per the document submitted. Hence it was asked vide letter No. 7307 dated 17/9/2014 to submit fresh lay-out plan as per the site condition. Accordingly, the complainant had submitted document and found that entry in Hakka Patrak Form No. 6 and 7/12 Utara are in the name of M/s Bhagyashree Quarry Works. The complainant has registered their application in the name of Sankalp Quarry Works for which no documents are submitted. So Circle Office Godhra has not approved. Therefore, the application cancelled vide letter No. GDR/O&M/T-1/HT/New/9500 16/12/2014.

The Forum Members present at the hearing considered contention of both the parties and perused the records & observed that though the legal documents are not in the name of M/s. Sankalp Quarry Works, the change of name of the premises of M/s Bhagyashree Quarry Works to Sankalp Quarry Works made in the year 2010 by MGVCL could not be understood. However, looking to the latest documents submitted by the complainant, the premises where HT connection demanded is in the name of M/s Bhagyashree Quarry Works and its owner is Smt

Shilpaben Kiritkumar Patel. In non-judicial stamp of Rs. 100/- for her affidavit, one of the survey number shown are not matching with the lay-out land survey plan. The new HT connection applied neither in the name of M/s. Bhagyashree Quarry Works nor in the name of Smt Shilpaben Kiritkumar Patel. Hence, legally it does not stand to process the application. At the time of change of name procedure in year 2010 with MGVL, the complainant had submitted that within one month she would submit land records in the name of M/s. Sankalp Quarry Works but till date same are not submitted either to MGVL or the Forum.

The Forum is of the opinion that MGVL cannot approve to release HT connection without proper legal documents. The complainant has to complete the process to change the name from Bhagyashree Quarry Works to Sankalp Quarry Works in government land records. The MGVL can approve to process an application after applying for HT connection with correct legal documents.

ORDER

The Forum directs Smt. Shilpaben Kiritkumar Patel, at 45 - Nutan Maheshwar Nagar Society, Subhanpura, Dist. Vadodara that the decision taken by Madhya Gujarat Vij Co Limited to cancel their registered HT application is in order.

(A G Shah)
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>