

**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-IV-105-2014.15
Complainant	Shri Bhikhabhai Joitabhai Patel, Undi Khadki, At & Post ; Torna, Tal: Kapadwanj, Dist : Kheda
Respondent	Shri G M Patel, Deputy Engineer Kathlal REC s/dn of MGVL.
Date of hearing	31.01.2015 at Vadodara

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

The complaint dated 12.01.2015 regarding to give new agricultural vij connection in Survey No.972/3.

On 31.01.2015, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein complainant Shri Bhikhabhai Joitabhai Patel and his son Shri Hasmukhbhai B Patel appeared whereas Shri G M Patel, Deputy Engineer Kathlal REC s/dn appeared as respondent on behalf of MGVL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. On dated 29.09.2012, complainant had applied for new agricultural vij connection under Survey No.972/3 at village; Torna, Tal: Kapadwanj, Dist : Kheda
2. While it was found that there is already existing agricultural connection in same survey number 972/3 in the name of Shri Sankalbbhai Joitabhai Patel, bearing consumer No.01868/00690/5.
3. After land divided in 1993 in which ownership of survey No.972/3 was allotted to Shri Bhikhabhai Joitabhai Patel. It is recorded in Form 6 (Hakpatrak) at entry No.7676 (year 1993).
4. Due to legal occupancy of the said survey number, complainant has requested to issue estimate for availing new agricultural connection in survey No.972/3 at village Torna, Tal: Kapadwanj.
5. The complainant has also requested that if new connection cannot be given them either disconnect existing connection which is not in the name of legal occupier of said land and give him new connection or transfer existing connection on his name being legal occupier of the land survey No.972/3.

The complainant contended that the old connection existing in the name of Shri Sakalbbhai Joitabhai Patel, bearing consumer No.01868/00690/5 was given in the

year 1988 when the land was jointly in the name of Shri Sankalbbhai Joitabhai Patel & others. In 1993, the land Survey No.972/3 transferred purely in his name i.e. Shri Bhikhabhai Joitabhai Patel. It is also entered in 6A Hakkpatrak at Entry No.MG 7676 dated 20.04.1993. The complainant requested that new agricultural connection registered on 29.09.2012 should be processed as he is entitled for the new agricultural connection in his name being legal occupier of the said survey number.

The respondent contended that at present the agricultural connection in the name of Shri Sankalbbhai Joitabhai Patel, bearing consumer No. 01868/00690/5 already exists in Survey No.972/3. A notice has been issued to the complainant vide Kathlal O&M s/dn letter no.4367 dated 31.12.2014 for necessary clarification as there is one agricultural connection exists same Survey No.972/3. As per rules, second agricultural connection cannot be given in same survey number. In response to notice issued, complainant has submitted 6A Hakkpatrak and latest 7/12 & 8A utaras in the name of Shri Bhikhabhai Joitabhai Patel and registered grievances with the Forum to avail new agricultural connection.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that in Survey No.972/3 agricultural connection was released in 1988 & at that time the land was in the name of Shri Sankalbbhai Joitabhai Patel & others. In the year 1993, land was divided among concerned legal heirs. The survey No.972/3 allotted to the complainant for which documents for his legal possession are produced before the Forum. The complainant is now legal occupier for LS No.972/3. Shri Sankalbbhai J Patel is ceased to be owner of LS No.972/3. Shri Sankalbbhai is expired in 1997. Therefore, either legal heir of late Shri Sankalbbhai has to apply for transfer of existing agricultural connection in LS No.972/3 to the present owner or MGVCCL should have made PDC considering no legal status to continue. MGVCCL should issue legal notice to the heirs of late Shri Sankalbbhai J Patel to get the connection transferred in the name of present occupier of LS No.972/3. If not, MGVCCL should disconnect the connection permanently and process the application for new agricultural connection in the name of Shri Bhikhabhai J Patel.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to issue legal notice to legal heirs of existing agricultural vij connection in LS No.972/3 in the name of late Shri Sankalbbhai J Patel at village Torna, Tal: Kapadwanj, Dist: Kheda to get the connection transferred on the name of complainant Shri Bhikhabhai Joitabhai Patel. In case of no response from legal heirs of late Shri Sankalbbhai J Patel, the Forum directs MGVCCL to disconnect the existing agricultural connection permanently and process the application of Shri Bhikhabhai J Patel for new agricultural connection.

(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>