

**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-I-02-2016-17
Complainant	Shri Janakbhai Fulabhai Patel, Village : Kathlal Tal: Kathlal, Dist : Kheda
Respondent	Shri J.I. Gadhvi, Dy.Engr. Kathlal Sub-divn.
Date of hearing	12.04.2016 at Anand

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

The complaint dated 31.03.2016 regarding reconnection of agricultural vij connection.

On 12.04.2016, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Janakbhai F. Patel & Piyushbhai F. Patel appeared as complainant whereas Shri J.I. Gadhvi, appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

The existing connection bearing consumer No.01801/11171/5 in the name of complainant's father Fulabhai Dhulabhai Patel. Shri Fulabhai Dhulabhai expired on 15/04/2013. The connection was released in 1963 in Survey No.137/1. It was shifted as per application of consumer on dtd.04/11/1976 in same Survey Number. The survey No.137/1 was sold in the Year 2005. The connection was shifted to nearby Survey No.137/1 in the Year 2007 by consumer himself. The connection was shifted due to failure of tube well in survey No.137/1. The land survey No.137/1 was sold except the tube well and its Vij connection. The complainant requested the Forum to instruct MGVCL to grant shifting of his connection from Survey No.137/1 to 137/2.

The Respondent contended that the connection bearing Consumer No. 01801/11171/5 in the name of Fulabhai Dulabhai Patel who was expired on 15/04/2013. MGVCL while installation checking on 02/09/2015, noted the irregularities of connection got shifted from Survey No.137/1 to 137/2. The supplementary bill for this irregularities issued for Rs.1,23,275/- which was paid by consumer on 13/10/2015. Thereafter, the legal heir of the consumer applied for shifting with change of name from Survey No.137/1 to 137/2 on 28/10/2015. The shifting is not granted by the MGVCL as per the rule which was also confirmed by the Circle Redressal Committee, MGVCL.

The Forum members present at hearing considered contention of both the parties and perused the records. That the consumer Shri Fulabhai expired in April-2013 but his legal heirs is not applied for change of name. The complainant is one of the legal heirs of the consumer. The connection released in Survey No.137/1 which was shifted with the approval of the MGVCL on dtd.04/11/1976 in same survey number. While installation checking by MGVCL, the connection was found in survey No.137/2. As no approval for this shifting taken by the consumer MGVCL had served supplementary bill which was paid by the consumer in Oct-2015. The consumer himself cannot shift the connection himself for which penalty imposed by MGVCL is paid by the consumer. The old survey No.137/1 sold to other party in the year 2005. The legal heir of late Fulabhai D. Patel is paying all regular bills till day. Therefore, the connection is required to be regularized being legal heir of the consumer and survey number 137/2 where the connection is already shifted is also in the name of complainant. The MGVCL should verify all the documents of Survey No.137/2.

The Forum is in the opinion that one punishment by recovering the penalty amount for illegal shifting is done so further punishment for not giving the approval of shifting in his own land and legal heir of the consumer is not justifiable. Therefore, the Forum opines for giving connection as natural justice after verification of all legal documents and rules under for shifting of the connection along with change of name.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to allow for change of name with shifting of Agricultural Vij connection from Survey No.137/1 to 137/2 of Village_Tarapur to Shri Janakbhai Fulabhai Patel.

(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>