

**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-112-2014.15
Complainant	Shri Mukutlal Banvarilal Gupta, 501, Parijat Apartment, Vyayamshala Road, Anand 388001
Respondent	Shri R K Katara, Deputy Engineer of Kakanpur s/dn of MGVCCL.
Date of hearing	20.02.2015 at Vadodara

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

The complaint dated 13.02.2015 regarding to shift the vij line & pole at Kakanpur (Godhra).

On 20.02.2015, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein representative Shri Ghanshyambhai R Patel appeared on behalf complainant Shri Mukutlal Banvarilal Gupta whereas Shri R K Katara, Deputy Engineer of Kakanpur 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 as under:

1. The complainant has requested that LS No.984/1 & 2 is non-agricultural land of Shri Mukutlal Banvarilal Gupta is legal occupier of the said land.
2. Before few months, respondent has erected HT electric line through their premises without any intimation and consent. The complainant had also objected to it and requested the Kakanpur s/dn office on dated 03.01.2015 to shift the line from his premises but SDO of Kakanpur s/dn replied vide letter No.3890 dated 03.01.2015 that said HT line shifting not possible without consent of National Highway Authority of India (NHAI) being adjunct area where it can be shifted.

Shri Ghanshyambhai R Patel, representative of the complainant contended that the land survey No.981/1 and 2 are NA land. Due to laying of HT line in their NA land, it is obstructing for their industrial work. It is erected without their consent. It is illegal. Hence, the respondent has to shift the said line at their risk and costs. The said line erected in non-agricultural land of survey No.984/1 & 2 which is under possession of Shri Mukutlal Banvarilal Gupta. Though all relevant

documents of NA permission have been submitted along with request to shift the line on dated 03.01.2015, the respondent has not resolved the grievances, and not responding.

The respondent contended that the above said 11 KV Motikatdi feeder is emanating from 66 KV Timba s/s and catering power to water works. It was erected long back in the year 2009. This old line was shifted to nearby land at the boundary line of the land because of the expansion of Ahmedabad Indore national highway. It is not at all obstructing to the complainant's land.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that the aforesaid land is non-agricultural and in the possession of the complainant Shri Mukutlal Banvarilal Gupta. The exact position of the above HT line is required to ascertain by joint survey. Accordingly, the forum has directed for joint survey of the disputed location and to submit sketch along with road margin of national highway boundary. It was also directed to visit the site on dated 24.02.2015 as it is convenient to both parties and detailed report should be submitted to the forum.

In view of the above discussion, line survey was carried out on dated 24.02.2015. In reference to that the complainant has sent letter dated 28.02.2015 to the forum in which he expressed that a HPCL Petrol Pump is being constructed in his NA land and as per the officers of HPCL Company, the electric line is not obstructing to their requirement but it should be raised to 12 meter height from ground level. So now requested to modify line for adequate clearance as per requirement. The Forum is of the opinion that in case of non-accessibility to lay/shift line other than NA land, a consent of the owner should be obtained. In instant case, the complainant willing to keep line as laid but to increase ground clearance as per requirement of HPCL authority should be done by MGVCL.

ORDER

The Forum directs the Madhya Gujarat Vij Company Ltd to maintain ground clearance of line passing through the NA land of Shri Mukutlal Banvarilal Gupta, 501, Parijat Apartment, Vyayamshala Road, Anand 388001 to 12 meter as per the complainant's requirement.

(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>