

**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-59-2014.15
Complainant	Yusufmiya Lalmiya Malek. Juna Khanpura Menpura village, Tal: Galteshwar, Dist: Kheda
Respondent	Shri M.S.Solanki D.E. Thasra subdivision MGVCL
Date of hearing	19.09.2014 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Medha M Marathe, MGVCL

The complaint dated 22.08.2014 regarding reviving AG connection.

On 19.09.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Complainant Shri Yusufmia Lalmia Malek appeared in the forum where as Shri M.S.Solanki Deputy Engineer of Thasra s/dn on dtd.19.09.2014 before the Forum.

The brief details of the case are:

1. Complainant was having AG connection in Menpura village L.S.No.105 having consumer no.05055/00344/8 under A-1 tariff.
2. The land of complainant's well was acquired by SSNNL in the year 1994 and SSNNL authority had informed to complainant vide L.No.639 dtd.20.09.1994 & to D.E.(Thasra) vide L.No.647 dated 22.09.1994 for removing said connection and if complainant wants to shift his AG connection in his other well, GEB can do so if their rules permit.

3. Electrical connection was removed on dtd.03.01.1995 by MGVCCL.
4. Complainant had demanded that the connection may be kept under abeyance for future demand. Though, the connection was disconnected by removing meter and service line, the complainant has paid regular energy bills till 24.12.2009.
5. As per complainant's knowledge, he is not supposed to pay energy bill of his AG connection after disconnection as the connection was disconnected and the land occupied by SSNNL.
6. Complainant had given applications on dtd.14.06.1999, 10.01.2013, 31.05.2013, 08.03.2014 and 05.06.2014 to stop billing and refund the amount paid after disconnection of his connection. However, no reply received from MGVCCL in pursuit of these applications.
7. Complainant has urged for stopping recovery of his old connection and refund the amount paid after removal of his AG connection and to revive his AG connection till he demand for shifting.

The complainant contended that he was having AG connection in Menpura village L.S.No.105 having consumer no.05055/00344/8 under A-1 tariff. The SSNNL has acquired his land for construction of Narmada canal in year 1994. Deputy Ex Engineer, SSNNL had given notice for removing his AG connection vide L.No.647 dtd.22.09.1994. He was given option to shift the said AG connection in his other own land. Electrical connection was removed on dtd.03.01.1995. Complainant requested that as no compensation received from SSNNL and his poor financial condition to prepare another well / tubewell,

he may be allowed to keep his connection in abeyance till he demanded for shifting. He had made regular payment for energy bills till 24.12.2009. He also admitted that he has excavated another bore well in nearby land of his own land but it failed due to insufficient ground water. As his financial situation was not good, he was not in a position to prepare another borewell so as to shift the connection at other place. He has not utilized the AG connection since 03.01.1995 but MGVCL has wrongly charged energy bill for the disconnected connection which may be refunded to him as natural justice and to stop billing. MGVCL office has served notices in regard to clear pending energy bill dues vide L.No.1928 dtd.07.05.2013 and L.No.100 dtd.08.01.2014 which is unfair. On the contrary, he is demanding for refund of money which was paid by him after disconnection of his connection in year 1995 and occupation of the land by SSNNL.

The respondent Shri M.S. Solanki contended that on the order of SSNNL in 1994 after informing the consumer, the then GEB had removed his AG connection on dtd.03.01.1995 from L.S.No.105 of Menpura village. Even complainant was given option by SSNNL to shift said AG connection to other AG land of his ownership if GEB permit to do so as per rules but till to date he has never turned up to opt for shifting of same. Complainant had requested vide letter dated 05.06.2014 for keeping his AG connection live on record. MGVCL has issued regular energy bills to him till to date. As connection is still existing on record, complainant is liable for payments of energy bills irrespective of its use as connection billed under A-1 flat rate tariff. Hence notices served to him for recovery of pending energy bills from date 24.12.2009. The consumer has paid all bills since disconnection till Dec 2009.

The Forum Members present at the hearing considered contention of both parties in the case and perused the records and observed that complainant's land taken over by the SSNNL, GoG & MGVL had disconnected power on request of SSNNL so complainant had not utilized power after dtd.03.01.1995 and he had paid energy bill till 24.12.2009. The applicant was given option by the Deputy Ex Engineer SSNNL to shift the connection to other land owned by him but the applicant could not exercise this option due to his poor financial condition. MGVL has not issued any notice in this regard so Forum members is of the opinion that considering natural justice, the consumer should be given a chance to opt to shift old Ag connection in his another land as per shifting rules of MGVL.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to give credit the amount paid towards energy charges since dtd.03.01.1995 and no recovery thereafter. It is also directed to issue notice to the consumer to opt shifting of his old agricultural connection within 3 months' period of the notice issued. If he desires to do so, and to act accordingly.

(Medha M Marathe)
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 Chapter-5, Clause No.13 of GERC Notification No.4 of 2005.

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>