

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 2ND FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No.MG-III-36-09.10
Complainant	Shri Upeshkumar P Modi, Ghantiala, Ghadiali Pole, Vadodara, con No.14524/03826/7
Respondent	Shri H B Sheth, JE Baranpura s/dn of MGVCL.
Date of hearing	26.10.2009

QUORUM	NAME
Chairman	Shri S A Pota, MGVCL
Member	Shri K R Shah, MGVCL
Independent Member	Dr R C Desai, Vadodara
Convener	Shri P L Mistry, MGVCL

This complaint dated 21.10.2009 is directed against the arrears of Rs.24,854.99 included in the electricity bill dated 26.10.09 issued by the MGVCL towards recovery of past dues of previous owner.

Today on 26.10.2009, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Upeshkumar P Modi, appeared himself whereas Shri H B Sheth, JE Baranpura, appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows. The complainant is residing at House No.SHA-2-535 in Ghantiada, Ghadiali Pole, Vadodara. He purchased this premises on 15.7.08 from Shri Prakash H Shah as per sale-deed No.5095 registered with the Sub-Registrar's office at Vadodara on 18.7.2008. The same premises were purchased earlier by Shri Prakash H Shah from Shri Surendra C Parikh (son of late Shri Chimanlal Parshottamdas Parikh) on 16.10.1995 as per sale-deed No.4381 registered with Sub-registrar's office at Vadodara on 16.10.1995. Late Shri Chimanlal Parikh had two connections one for lighting and the other for domestic. One of these connections bearing con No.14522/04155/1 (released on 10.05.1988) had standing arrears of Rs.8771.73 which along with delayed payment charges etc worked out to Rs.24854.99 in Aug 2009. These arrears of late Shri Chimanlal are now being collected from the present occupant Shri Upeshkumar Modi for the same premises. Aggrieved by this claim of the past arrears, the complainant has approached this Forum for justice.

The complainant submitted that he was stunned to find an additional amount of Rs. 24854.99 towards arrears in the electricity bill dated 16-10-2009 of September 2009. He approached the DE office and discovered that the arrears belonged to late Shri Chimanlal Parikh, previous to previous owner of the said house.

He contended that in the sale deed No.5095 between him and the seller Shri Prakash H. Shah, there is a condition agreed upon between both the parties that any arrears pending payment for Municipal Taxes, Electricity bills, etc. of corporation or Government or semi-government would be borne by the seller Shri Prakash Kumar Shah.

The said house was purchased by Shri Prakashkumar from Shri Surendra Chimanlal Parikh, son of Late Shri Chimanlal Parshottamdas Parikh on 16.10.95, Vide Sale deed No.4381, Where in the above stated condition has been incorporated and agreed upon by both the parties.

The complainant, therefore, contended that the arrears of Rs. 24854.99 due to late Shri Chimanlal Parikh should be recovered from his Son Shri Surendra Chimanlal Parikh, who is residing at GF/003, Hiravanti Chambers, opp. Aryakanya Vidhyalay, Karelibaug, Vadodara and who is also the MGVL Consumer bearing Cons. No. 16230/00403/8.

The Respondent Shri H B Sheth, JE of MGVL contended that the past arrears of Rs.24854.99 is attempted to be recovered from Shri Upeshkumar Modi because he is now the occupant of the same premises.

The Forum Members present at the hearing considered contention of both the parties and perused the records. On studying both the sale-deeds and especially the conditions agreed upon by all the concerned parties, it seems that the arrears belonging to late Shri Chimanlal Parshottamdas can be rightfully claimed from his son Shri Surendra C Parikh. The members appreciate the pains taken by the complainant in searching and providing the address of Shri Sureshbhai and his consumer number with MGVL.

In view of the above discussion, the Forum is of the opinion that the arrears due for late Shri Chimanlal P Parikh should be recovered from his son Shri Surendra C Parikh.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to recover arrears of Rs.24854.99 due to late Shri Chimanlal Parikh from his son Shri Surendra C Parikh instead of from Shri Upeshkumar P Modi.

(K R Shah)
Member

(Dr R C Desai)
Independent Member

(S A Pota)
Chairman

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach the Ombudsman, Gujarat Electricity Regulatory Commission, 1st floor, Neptune Tower, OPP: Nehru Bridge, Ashram Road, Ahmedabad 380 009 in accordance with Chapter-5, Clause No.13 of GERC Notification No.4 of 2005.