

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-52-2010.11
Complainant	Shri Vipulbhai B Shah, Vadodara.
Respondent	Shri P D Vyas Baranpura S/D of Ghadiyali pole, & Mohile DE, R N Verma Sr. Asst Circle office Vadodara
Date of hearing	24.12.2010

QUORUM	NAME
Member	Shri K R Shah, MGVCL
Independent Member	Shri M J Vaidya, Vadodara

The complaint dated 08.12.2010 is for the disconnection of electric supply to Mobile Tower on Terrace of Akar Complex, Ghadiyali pole, Vadodara.

Today on 24.12.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Vipulbhai B Shah, appeared himself whereas Shri Mohite, DE & P D Vyas appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

- 1.0 MGVCL has given electrical connection on 24.03.2007 to Mobile Tower of Bharti Airtel installed on terrace of Akar– A complex, Ghadiyali pole, Vadodara.
- 2.0 The builder Shri Hitesh Mehta owns his flat on 1st floor and other Flats on 2nd floor are sold since the year 2001.
- 3.0 The builder has allowed Bharti Airtel to install mobile tower on terrace of Akar-A complex on the basis of MOU dated 13.02.2007 between the builder Shri Hitesh Mehta & Bharti Airtel at Ahmedabad.
- 4.0 The builder has built 2 room-kitchen flat on 3rd floor which is illegal as per Vadodara Municipal Seva Sadan.
- 5.0 The builder has built up shop in the ground floor parking area which is also illegal. The installation of mobile tower is also found illegal as per records of Vadodara Municipal Seva Sadan.

- 6.0 While, installing mobile tower, NOC of the residents of Akarcomplex 'A' is not taken.
- 7.0 The complainant has requested MGVCL to disconnect power supply to mobile tower on terrace of Akar-A complex.

Shri Vipulbhai B Shah, the complainant contended that as mobile tower on Akar-A complex terrace is illegal and no NOC of the residents of same complex is obtained, MGVCL should disconnect power supply to mobile tower installed by Bharti Airtel.

The Respondent Shri Mohile and Shri P D Vyas contended that they had issued notice to Bharti Airtel Ltd on 27.09.2010 to submit NOC of the residents of Akar-A complex but till the hearing of this case, NOC is not obtained by Bharti Airtel Ltd. They further added that the connection on terrace is given as per norms of the Company.

The Forum Members present at the hearing considered contention of both the parties and perused the records.

- (1) From records, it is found that sufficient documents to approve the new electrical connection were not received by MGVCL and supply was given to mobile tower.
- (2) MOU is not a valid legal document to allow/approve new supply.
- (3) Application to Municipal Corporation by Bharti Airtel to approve the installation of structure on terrace of Akar-A complex was considered enough by MGVCL to give power supply which is not correct.
- (4) Though notice was served by MGVCL to M/s. Bharti Airtel on 27.09.2010 to get NOC from the residents of Akar-A complex. MGVCL did not ask approval of Municipal Corporation, they did not give time limit, they did not ask for lease-deed, etc.

In view of the above discussion, the Forum is of the opinion that the electric supply to mobile tower on the terrace of Aakar-A complex should be immediately cut off due to non-availability of documents required for new electric supply.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to cut off the electric supply to mobile tower on the terrace of Akar complex due to non-availability of authentic documents required for new connection and NOC of the residents of Akar Complex-A.

(K R Shah)
Member

(M J Vaidya)
Independent Member

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.

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/Consumer%20Grievances/Procedure/Procedure.pdf>