

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-II-26-2011.12
Complainant	Chetnaben D Shah at Kamalpark Apartment, OPP: Bhavna Flat, Near Mahajan Jalaramwadi, Ellorapark, Vadodara.
Respondent	Shri J R Shah DE of Gorwa MGVCL
Date of hearing	15.7.2011

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

The complaint dated 4.7.2011 is for refund of the amount.

Today on 15.7.2011, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Chetnaben D Shah, appeared herself, whereas Shri J R Shah DE Gorwa appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are:

1. The complainant Chetnaben D Shah had purchased the above flat during the year 2006.
2. She has new vij connection bearing No.15100/00000/0
3. The above residence was earlier in Gorwa s/dn which has been transferred in Alkapuri sub-division probably in the year 1998
4. The said premises had consumer No.15305/01268/6 earlier with the previous owner. This consumer had dues of Rs.5700/ to be paid to in the year 2011.
5. All of a sudden, Gorwa s/dn asked the complainant Chetnaben D Shah to pay Rs.5700/ with interest of Rs.20,000/- within 3/4 days
6. Notice of Lok-adalat was also served,
7. Before the date of Lok-adalat, MGVCL staff visited the premises under reference and explained the seriousness of the problem to resident consumer complainant.
8. As it seems under pressure, the complainant paid Rs.5700/ on 26.6.11.

The complainant Chetnaben D Shah contended that when they got new connection from Alakpuri s/dn during 2006 in which the said premises were purchased by them, MGVCL did not inform about the dues and now

all of a sudden Gorwa s/dn has demanded to pay Rs.5700/ + interest of Rs.20,000/-. As per the s/dn, if we pay Rs.5700/ immediately, they can waive off the interest of Rs.20000/-. The complainant under pressure paid Rs.5700/ dues of 1988-89 immediately on 26.6.2011. As such, the dues were of consumer No.15305/01268/6 which was of the original owner and they are allotted new consumer No.15100/00000/0. Thus, the complainant requested for refund of Rs.5700/-.

The Respondent Shri J R Shah DE of Gorwa MGVCL contended that premises were with Gorwa s/dn and after 1998 it was merged with Alkapuri s/dn. They had given notice through Lok-adalat to pay Rs.5700/ + interest Rs.20000/-. However, as the complainant was not able to attend the Lok-adalat on scheduled day, they came to s/dn office and paid Rs.5700/ on 26.6.11.

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

1. Original connection No.15305/01268/6 was disconnected but the record do no show the date of disconnection.
2. The disconnection was made due to arrears.
3. Later on this premises was transferred from Gorwa s/dn to Alkapuri s/dn in the year 1998.
4. Unfortunately, no details of arrears were sent to Alkapuri s/dn nor Alkapuri s/dn asked it from Gorwa s/dn before issuing new connection.

In view of the above discussion, the Forum is of the opinion that recovery of arrears of Rs.5700/ is not justified from other consumer who has not consumed the electricity, MGVCL had not taken any action before the year 2006 for recovery from the original consumer. It is also a question how new connection was given by Alkapuri s/dn without referring Gorwa s/dn and how, Gorwa s/dn can initiate action for recovery when it is already transferred to Alkapuri s/dn.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to refund amount of Rs.5700/ to the complainant Chetnaben D Shah, Vadodara.

(K R Shah)
Member

(M J Vaidya)
Independent Member

(K M Dave)
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.

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>