

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

|                 |                                                                                         |
|-----------------|-----------------------------------------------------------------------------------------|
| Subject         | Consumer Grievances Complaint<br>No. MG-IV-87-2010.11                                   |
| Complainant     | Kanubhai K Valand, C/o Kanubhai S Valand, At :<br>Nirmali, Tal: Kapadwanj, Dist : Kheda |
| Respondent      | Shri Dalwadi DE of MGVCL                                                                |
| Date of hearing | 11.03.2011 & 19.03.2011                                                                 |

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

The complaint dated 24.02.2011 is for Agricultural PDC reconnection.

Today on 19.03.2011, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Kamleshbhai son of Kanubhai K Valand as complainant and Shri Dalwadi, DE appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

- 1.0 The complainant has Agricultural power connection, No.02019/01002/0 at village Nirmali, Tal: Kapadwanj, Dist : Kheda of agricultural category with contract load of 7.5 HP.
- 2.0 Shri Dalabhai S Patel also has Agricultural connection of consumer No.02019/00164/0 at Vill: Nirmali also for agricultural purpose.
- 3.0 As per the statement of the complainant the outstanding arrears of Shri Dalabhai S Patel amounting to Rs.1559.68 was transferred and debited in the name and account of Shri Kanubhai K Valand during the year 1992, which subsequently increased to Rs.6659.12 at the end of year 2002.
- 4.0 Consequently the connection of Kanubhai K Valand was made PDC on 15.03.2003.
- 5.0 As per DE's statement, the current outstanding amount is Rs.4658.99
- 6.0 The complainant had paid Rs.2750/ vide MR No.3440 dated 2.12.99. He had also paid Rs.3413/ vide MR No.99905 dated 30.06.2000 for agricultural PDC reconnection.
- 7.0 On the other side, upon receipt of the representation from the complainant, MGVCL wrote letter bearing No.2735 dated 24.01.2002 to Shri Dalabhai S Patel requesting for submission of documentary proof of having deposited Rs.1559.68 during the year 1992 or accumulated arrears of Rs.3413/. The complainant had already paid Rs.3413/ on 30.06.2000. Shri Dalabhai S Patel did not respond positively in favour of the complainant Shri Kanubhai K Valand.

- 8.0 On 7.11.2004, the complainant was directed to appear before LOK ADALAT. There, it was decided to waive off DPC amount of Rs.2796/ and ordered to pay Rs.3000/ remaining amount in ten instalments of Rs.300/. After deducting his payments Rs.250/ vide MR No.9250 at LOK ADALAT and Rs.3413/ vide MR No.99905 dated 30.06.2000 from principal amount of Rs.6659.12, the complainant deposited total Rs.3000/- vide MR No.3596 dated 4.10.2006.
- 9.0 Further to this, MGVCL continued recovery of Rs.2000/ on 22.10.07 and Rs.100/ on 19.7.10.
- 10.0 As per the statement of MGVCL's Sub-division officer, no records are available for the year 1992-93 and hence they could not verify the details of payment.

The complainant Shri Kamlesh son of Shri Kanubhai K Valand contended that inspite of many representations and follow-ups from time to time; he did not get justice for getting refund of money which was not payable by him and get PDCRC of his agricultural connection. He had been deprived of his rights to avail the benefit of electricity in spite of no fault on his side.

The Respondent Shri Dalwadi DE of MGVCL contended that he could not verify from the records, how Rs.1559.68 the actual arrears of Shri Dalabhai S Patel was transferred and debited to the account of Shri Kanubhai Valand ! The reason given is non-availability of records. However, it is accepted by DE of MGVCL that Rs.3413/ (principal amount of Rs.1559.68 + DPC) was paid by the complainant as per the advice of MGVCL staff on 30.06.2000 vide MR No.99905. In spite of this payment with no known reason, his connection No.02019/01002/0 was made PDC on 15.03.2003, as the disputed amount was debited in account of Shri Dalabhai S Patel.

In writing and orally, Shri Dalwadi explained that as per Forum's instructions, during hearing on 11.03.2011, Shri R B Kapadia Dy SA (Billing) was conveyed to appear before Forum on 19.03.2011 but he did not appear. He is working in the concerned office since 27.3.2002, he should have been able to resolve the matter but he did not show any interest inspite of many reminders by the complainant. During April 2010, Shri J V Patel, Jr Asst made CR/DR adjustment of Rs.3413/ without any supporting documents, base or permission from higher authorities. Shri J V Patel has done CR/DR adjustment in his own hand writing on page No.1462 of ledger.

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

1. The crux of the problem started in the year 1992 when Rs.1559.67 being the arrears of Shri Dalabhai S Patel were transferred and debited to the account of complainant. Though MGVCL raised their hands by informing non-availability of records, the Forum has observed one original order of reconnection addressed to Shri J J Panchal, helper dated 17.02.1993 for consumer No.488 of Shri Kanubhai Valand. At the back of this order, the issuing authority has shown in his own hand writing the pending amount of Rs.1559.68 in name of Shri Dalabhai S Patel. The Forum unanimously views this as

genuine proof of pending dues with Shri Dalabhai S Patel and not with Shri Kanubhai Valand.

In view of this, all amount so far paid by complainant to MGVCL becomes payable to him (Rs.2750/ + Rs.250/ + Rs.3413 +Rs.3000/ + Rs.2000/ + 100/ = Rs.11513/-). Out of this amount, where Rs.3413/- have gone when Shri Kanubhai Valand has actually paid and it is not appearing in the ledger? In what circumstances Shri J V Patel Jr Asstt had done CR & DR adjustment of Rs.3413/ CR and Rs.1749, Rs.1263.67 and Rs.91.75 DR in his own hand writing on page No.1462? If MGVCL has not received any amount which was paid by complainant Shri Kanubhai Valand, MGVCL is authorized to recover from the salary of Shri R B Kapadia and Shri J V Patel.

2. Over and above this, the agricultural connection which was made PDC during 2003 requires to be connected immediately at no cost to the complainant.
3. Shri R B Kapadia Dy SA ( Billing ) though working in the concerned office since 27.03.2002 has not solved this problem and submitted false report to the Forum. Though instructed by the Forum, he did not appear before the Forum on 19.03.2001 neither he studied the matter in depth to come to the conclusion in right direction. He did not bother to verify the MGVCL's receipts produced by the complainant to analyze the matter. The omission of act is also an offence. This is his gross negligence in discharging his duties. He has shirked from his responsibility.
4. Shri J V Patel Jr Asstt made CR DR adjustments of Rs.3413/ during Apr 2010 with his own hand writing on page No.1462. Debit adjustment of Rs.1749/ Rs.1263.67 and Rs.91.75 are not justified even by Dy SA. Forum has concluded that Shri J V Patel has played mischief in the Ledger Account which is a serious matter.

In view of the above discussion, the Forum is of the opinion that :

- i. MGVCL has to pay Rs.11513/- to the complainant within 30 days
- ii. MGVCL has to do PDC RC of Agricultural connection with immediate effect at no cost to the complainant

### **ORDER**

The Forum directs the Madhya Gujarat Vij Co Limited to :

- 1) To pay Rs.11513/ to the complainant Shri Kanubhai K Valand within 30 days from this order date.

- 2) To PDC RC of Agricultural connection of Shri Kanubhai K Valand with immediate effect at no cost to him.
- 3) Action taken report to be sent to the Forum.

**(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, 1<sup>st</sup> 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>