

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-19-2010-11
Complainant	Jasmin Ambalal Kansara at Kansara Motafalia, Vadodara.
Respondent	Shri K R Soni, De of Mandvi s/dn of MGVCL
Date of hearing	14.10.2010

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

The complaint dated 03.08.2010 is against the new Vij connection.

Today on 14.10.2010, the case of the Complainant's Grievance was heard before Consumer Grievance Redressal Forum wherein Jasmin Ambalal Kansara and Shri Madhukar Kansara himself whereas Shri K R Soni DE of Mandvi s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The back ground details of the case are as follows:

Jasmin Ambalal Kansara has asked for new connection but MGVCL has not given new connection even after more than four months have passed. The new vij connection as shown by the applicant was to be given in the parking place in the joint property of her father Shri Ambalal Gatulal Kansara who had one lighting connection bearing A/c No.16408/00118/1 in the building on routine check on 22.12.2008, connected load of 8635 watts was found and hence u/s 135 of The Electricity Act, 2003 theft bill of Rs.159186=85 was raised, power supply was disconnected and FIR No.1809/08 had been lodged against Shri Ambalal Gatulal Kansara.

Shri Nilesh Balkrishna Kansara nephew of Shri Ambalal who stays on the first floor registered a complaint regarding new connection for 1st floor in Consumer Dispute Redressal Forum (CDRF) vide No.665/2009 and Forum directed MGVCL to give the connection. The Forum's decision was challenged in High court vide case No.12641/09 on 13.05.2010 and accordingly MGVCL disconnected the supply.

Now, Jasmin, daughter of Shri Ambalal Kansara has asked for new connection in parking area which cannot be considered as house to stay.

The representative of the complainant Shri Madhukar Kansara contended that the heirs / family members staying in the building either as a tenant or as a heir, had played mischief with the meter of lighting connection under reference resulting in theft case of electricity. The building is without electric supply. The aged parents with vision problem have other houses in the city but they prefer to stay in this house because of attachments with the house and pole culture in the street. On this ground, request is made to the Forum to give new connection.

The Respondent Shri K R Soni DE Mandvi contended that MGVCL has won the case in High Court against the decision of the Forum and hence Shri Nilesh Balkrishna Kansara's supply has been disconnected. The case of Jasmin Ambalal Kansara is similar. Hence, mistake of giving electric connection in the parking area which is without kitchen, toilet etc should not be again done.

The Forum Members present at the hearing considered contention of both the parties and perused the records. The basic question is to pay theft bill of Rs.159186.85. Recently, the Hon'ble GERC has issued Notification No.6 of 2010 dated 20.08.2010 amending clause No.4.1.11 of the GERC Regulations 2005, vide GERC Electricity Supply Code and Related matter) Third Amendment Regulation 2010:

Clause 4.1.11 shall be substituted in Principal Regulations as under

"An application for new connection, reconnection, addition or reduction of load, change of name or shifting of service line for any premises need not be entertained unless any dues relating to that premises or any dues of the applicant to the Distribution Licensee in respect of any other service connection held in his name anywhere in the jurisdiction of the Distribution Licensee have been cleared.

Provided that in case the connection is released after recovery of earlier dues from the new applicant and in case the licensee, after availing appropriate legal remedies, get the full or part of the dues from the previous consumer/owner or occupier of that premise, the amount shall be refunded to the new consumer/owner or occupier from whom the dues have been recovered after adjusting the expenses to recover such dues."

In view of the above discussion and regulation, the Forum is of the opinion that any application for new connection, reconnection, addition or reduction of load, change of name or shifting of service line for any premises need not be entertained unless the part dues of that premises have been cleared fully.

ORDER

The Forum directs the complainant to pay all outstanding dues of the said premises in line with provision of GERC regulation and also directs MGVCL to give new connection after only getting all dues paid.

(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>