

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-I-7-2011.12
Complainant	Shri Dashrathbhai D Patel at village Vithalpura, Tal & Dist: Kheda.
Respondent	Shri C D Patel DE MGVCL of Kheda.
Date of hearing	27.05.2011

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

The complaint dated 27.5.11 is for change of name with PDC RC.

Today on 27.5.11, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Dashrathbhai D Patel, appeared himself whereas Shri C D Patel DE appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are:

1. Shri Dashrathbhai R Patel had Ag-30 connection in SN 1155/2 at village Vithalpura Dist: Kheda.
2. They were six brothers namely, Somabhai, Motibhai, Maganbhai, Mohanbhai, Dhanabhai, Desaibhai
3. Out of six brothers, Shri Maganbhai and Shri Desaibhai had no heirs.
4. Due to non-payment of electricity bills, the Ag-30 of SN 1155/2 was done PDC during Jan 2002.
5. As per revenue records, Shri Dashrathbhai D Patel is one of the owners of SN 1155/2 and in that capacity & with NOC of all other beneficiaries he applied for PDC RC.
6. As five years had already lapsed, he was advised by s/dn to complete registration, MIS, necessary documents, 4 party agreement etc Shri Dashrathbhai completed all formalities.
7. When s/dn sent recommendation letter for PDC RC with name change to Mehmabad division, the division vide letter No.506 dated 9.8.2010 refused to approve PDC RC with change of name stating that Shri Desaibhai expired without any issue (heir) and hence nobody else can be legal heir. On this basis, s/dn Kheda conveyed to the complainant the same matter vide letter No.4953 dated 17.8.2010.

The complainant Shri Dashrathbhai contended that he has fulfilled all requirements for PDC RC and submitted documents proving that he is one of the legal heirs of the said land which is a joint property and he has been selected to administer the said land property for PDC RC with change of

name by producing NOC of all other legal heirs. Hence, his name should be put on records by MGVCL for the agricultural connection under reference with PDC RC.

The Respondent Shri C D Patel DE of MGVCL contended that they at s/dn had allowed Shri Dashrathbhai Patel to complete all formalities for PDC RC with change of name but after disapproval by division (Mehmadabad) they had to reject the proposal.

The Forum Members present at the hearing considered contention of both the parties and perused the records. It is observed that SN 1155/2 is presently a joint property of family members down below from Shri Ranchodbhai Patel. From revenue records as it seems they are all legal heirs, All names cannot appear as “consumer” and hence somebody out of the legal heirs has to administer after getting NOC of all other legal heirs.

In view of the above discussion, the Forum is of the opinion that the Mehmadabad division cannot refuse to accept Shri Dashrathbhai Patel as one of the legal heirs and reject the application of PDC RC with change of name. Here, Hindu succession Law is to be interpreted and implemented.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to allow PDC RC in the name of Shri Dashrathbhai Patel of Ag-30 for SN 1155/2 at the earliest after completing all required formalities as per GERC / MGVCL norms and report to Forum for action taken by division and sub-division.

(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>