

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2011 of GERC (CGRF & Ombudsman)

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-I-01-2019-20
Complainant	Shri Hitulbhai Bharatbhai Patel, C/o Vishveshwar Enterprise, Silod Patiya, At & Post : Kamla, Tal: Nadiad, Dist: Kheda
Respondent	Shri K S Bhatt, Junior Engineer, Nadiad Rural s/dn of MGVCL.
Date of hearing	26.04.2019 at Corporate Office, Vadodara

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Smt S H Parekh, (RA&C) MGVCL Vadodara

The complaint dated NIL recd on 15.04.2019 regarding refund against amount of adjustable fixed charge for new industrial connection.

1.0 On 26.04.2019 at Corporate Office, Vadodara, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Chandubhai S Patel, appeared on behalf of complainant Shri Hitulbhai Bharatbhai Patel, whereas Shri K S Bhatt, Junior Engineer, Nadiad Rural s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 The complainant Shri Hitulbhai B Patel, had applied for new LTMD connection for contract demand of 60 KW at LS No.335/2 of village Kamla, Silod Patiya, Tal : Nadiad, Dist: Kheda, under Nadiad Rural subdivision.

2.2 Accordingly, after survey etc, TS was accorded on 13.06.2016 by Nadiad City Division office in which the work involved shown as HT line 0.035 Km, LT Line 0.030 Km, TC 100 KVA & TS amount Rs.2,70,935/-.

2.3 FQ issued on 13.06.2016 with adjustment of fixed charges amounting to Rs.2,05,935/-, Fixed Charge Rs.65000/-, Security Deposit Rs.1,58,300/-, Agreement fee Rs.100/- totaling Rs.4,39,335/-.

2.4 Time limit extension for FQ payment was given upto 11.09.2016 & FQ paid on 24.08.2016.

2.5 Connection was released on 28.09.2016

3.0 The representative of the complainant contended that new connection of 60 KW for industrial purpose was demanded at LS No.335/2 of village Kamla, Silod



Patiya, Tal : Nadiad, Dist: Kheda. For that Respondent i.e. Deputy Engineer Nadiad Rural s/dn of MGVL has charged full line cost as per circular No.76 & 76(A) of MGVL.

Further, complainant had argued that since Government of Gujarat has issued new two nos of Resolutions in which directives has been given that outside gamtal area under NA land, if commercial, industrial connection is demanded then only fixed cost charges are to be recovered from the party so party raised his grievances for refund of line charges paid by him on 24.08.2016.

4.0 The respondent contended that as per directives of corporate office, MGVL Vadodara vide letter No.2545 dated 20.09.2017 of Chief Engineer (T&O) on the basis of THARAV of GoG Gandhinagar dated 23.08.2017. Party is demanding for refund of line charges paid by him so circular No.76 & 76(A) has been amended so since party has paid the payment on 24.08.2016, necessary directives may be given to address his grievances.

5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that letter No.2545 dated 20.09.2017 issued by Chief Engineer (T&O) MGVL on the basis of THARAV of GoG Gandhinagar dated 23.08.2017. Party is required to be issued estimate as per fixed charges for his new power demand outside gamtal area in NA land.

This issue has also been reviewed in detail and THARAV of GoG EPD Gandhinagar No.GUV-2016-3885-K1 dated 24.01.2017 is reproduced below where matter has been addressed & clarified.

ગામતળ બહાર વિવિધ હેતુ માટે વીજ જોડાણો આપવાની સર્વગ્રાહી નીતિ અમલમાં મુકવા બાબત .

ગુજરાત સરકાર

ઉર્જા અને પેટ્રોકેમિકલ્સ વિભાગ

ઠરાવ ક્રમાંક - ૨૦૧૬-૫૩૮૮-ક૧

સચિવાલય, ગાંધીનગર

તારીખ - ૨૪/૦૧/૨૦૧૭

(૪) ખેતી વિષયક અથવા અન્ય હેતુ માટેની જમીનમાં ઔદ્યોગિક, વાણિજ્ય, એગ્રી ઇન્ફ્રાસ્ટ્રક્ચર વીજ કનેક્શનો માટેની ૨૪ કલાકના ફીડર પરથી વીજ કનેક્શન આપવાની સર્વગ્રાહીનીતિ

(૧) આવા કનેક્શનો માટે નીચે પ્રમાણેના ધારાધોરણો છે.

(૩) ૬ કિ.મી. કરતાં વધુ વીજમાંગ હોય અને અરજદાર સતત વીજ પુરવઠો મેળવવા ઇચ્છતો હોય તો શ્રી ફેઝ વીજ જોડાણો નજીકના જેજીવાય / અર્બન ફીડર પરથી વાસ્તવિક ખર્ચ વસુલીને લાગુ પડતા ટેરીફ આધારે રહેશે .



Recently, GoG has made modification on 23.08.2017 in earlier Tharav dated 24.01.2017 especially for Sr No.3,4 & 5 which is reproduced herebelow:

3. Policy for giving 24 hours electric connection to Ashram Shala, Adarsh Nivas etc units owned by the State / Central government any institute in Agricultural land.
4. Policy for giving 24 hours electric connection to industrial, commercial, Agro industries in agricultural land and or land of any other purpose.
5. Policy for giving 24 hours electric connection to Poultry Farm, cattle shed, Fisheries Farm, cow shed, tobacco crushers, Mobile tower, Milk chilling plant etc all government activity.

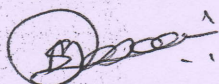
Hence, as per the recent GoG Tharav dated 23.08.2017 followed by GUVNL circular dated 01.09.2017, it is directed that, for the above condition 3,4 & 5 irrespective of the situation of the premises of applicant i.e. in gamtal or outside gamtal if the demand is made for category as stated in Sr No.3,4 & 5 above, for exclusive NA land, estimate for power connection may be recovered on the basis of demand & only fixed cost charges basis. If the land is simvistar for the above condition No. 3,4, & 5 is agricultural land then, recovery of estimate for giving him 24 hours power supply, should be actual as per work involved.

Hence, in line with the original Tharav dated 24.01.2017 and subsequent revised Tharav dated 23.08.2017 wherein condition Nos.3, 4 & 5 of original Tharav have been revised so for this case, condition No.4 pertains to demand of industrial connection have been revised that in NA land outside gamtal area if party applies for power supply for industrial purpose then DISCOM has to recover only fixed charge cost from the party.

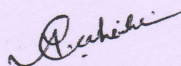
In view of the above resolution CE (T&O) MGVCL has given guidelines to all field officer No.MGVCL/Tech/1545 dated 20.09.17 that circular become effective for those applications who have been issued estimate before 01.09.2017 here in this case of Shri Hitulbhai B Patel, has been issued on 13.06.2016 so it becomes applicable. Further, in the aforesaid letter, it is also mentioned that if applicant has paid the FQ but his work is not over by 16.09.2017, such type of applicants are also eligible for refund of line charges & only fixed charge cost is required to be retained with the DISCOM. Hence, on the basis of these records & directives, Forum members issued following order.

ORDER

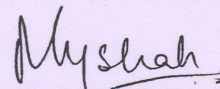
The Forum has come to the conclusion that the MGVCL shall refund / adjust the line charges to complainant Shri Hitulbhai Bharatbhai Patel, C/o Vishveshwar Enterprise, Silod Patiya, At & Post : Kamla, Tal: Nadiad, Dist: Kheda by retaining fixed charge cost, Security Deposit, Agreement fee, etc with DISCOM as per rules.



(Smt S H Parekh)
Technical Member



(A G Shaikh)
Independent Member



(Smt Mala Y Shah)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. The Office address of the Ombudsman is : The Staff Officer, Office of the Electricity Ombudsman,



Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi,
Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.

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>



Yours Sincerely,
For & on behalf of GCRF

(S. H. Parthi)
Convener

ETA to all MGVCL Corp Office, Vadodra
C.E (Prd) MGVCL Corp Office, Vadodra

COPY TO:
SE (Rural) MGVCL, TD Medad
SE (Rural) MGVCL, TD Medad (Chy)
C.E MGVCL Medad Rural & an

He is requested to submit Action Taken Report within 7 days from the date of issue of this letter.