

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-III-47-2010.11
Complainant	Shri Chandubhai R Patel, Suryadarshan, At & Post Vasad, Dist: Anand
Respondent	Shri V S Virpara, DE of Anand Division MGVCL
Date of hearing	10.12.2010

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

The complaint dated 30.11.2010 is against the residential lighting bill.

Today on 10.12.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Chandubhai R Patel, appeared himself, whereas Shri V S Virpara, DE of Anand 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:

1. Complainant Shri Chandubhai R Patel resident of Vasad, Dist Anand has consumer No.04302/11354/5 and 04302/10353/1
2. The owner rents his premises to the students (approx 7to8 in nos) studying Vasad college
3. Landlord has separate meter bearing No. 04302/10353/1 and the premises rented to students has separate meter (con No. 04302/11354/5).
4. Earlier, the rented premises had Tariff Schedule as per LFD-I while since Aug 2006, consumer No. 04302/11354/5 is charged under LFD-II i.e. for commercial purpose.

The complainant Shri Chandubhai R Patel contended that in his premises he has two electric meters. The consumer connection No. 04302/10353/1 is used for his own family purpose while consumer No.04302/11354/5 is used by the students staying in his premises. Earlier to Aug 2006, the rented premises were charged under LFD-I tariff i.e. for residential purpose, however, MGVCL started to charge under LFD-II tariff i.e. for commercial purpose. As the premises is used for residential purpose only, it should be charged under LFD-I tariff.

The Respondent Shri V S Virpara, contended that since the landlord is earning by giving services to the students for accommodation, it is like hostel and hence it should be charged under LFD-II tariff.

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

- 1.0 MGVCCL has started to charge such rented accommodation under LFD-II tariff considering it as a business or commerce. But still all such cases are not covered in Vasad village under LFD-II tariff
- 2.0 Vasad village is ruled by gram Panchayat and hence it is rural area.
- 3.0 The premises is used by the students on fixed charge basis and electricity on actual consumption basis.
- 4.0 It is residential premises used for staying accommodation on lump-sum rental payment basis.
- 5.0 The said residential property is not used for commercial purpose i.e. buying and selling of merchandise with financial transaction on large scale.

In view of the above discussion, the Forum is of the opinion that the said premises is used for residential purpose, not by the family but by single students. There is no commerce or trade involved. Hence, it cannot be considered for LFD-II application. If family would have been staying, it would have been easily considered as residential premises with LFD-I tariff. Staying of students does not change the definition of "residential premises".

ORDER

The Forum directs the Madhya Gujarat Viji Co Limited to consider LFD-I tariff for rural area instead of LFD-II tariff with immediate effect for rented premises of Shri Chandubhai R Patel and for all residential houses offering staying accommodation to the students, in Vasad village.

(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>