

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-IV-51-2009-10
Complainant	Shaikh Gulabnabi Mohammadbhai, Ayesha Developers, Laljikui, Nagawada, Vadodara
Respondent	Shri R V Darji, JE Indrapuri S/dn MGVCL
Date of hearing	17.02.2010

QUORUM	NAME
Chairman	Shri K M Dave, MGVCL
Member	Shri K R Shah, MGVCL
Independent Member	Dr R C Desai, Vadodara

This complaint dated 19.01.2010 is directed against the non-release of new connection by the MGVCL.

Today on 17.02.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shaikh Gulabnabi Mohammadbhai, appeared himself, whereas Shri R V Darji, JE Indrapuri S/dn., appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows. The complainant Shaikh Gulabnabi Mohammadbhai is a partner of Ayesha Corporation engaged in Development of housing society, namely Ayesha Park and Fatima Complex in Survey No.318 at Bapod in Vadodara. They required 40 new electric connections for their housing society and so they approached Indrapuri s/dn of MGVCL. The MGVCL officers orally refused to accept their application for new connections, inspite of repeated attempts. They were told to clear past dues standing in the name of Zainab Park Society before considering request for new connections. Aggrieved by lack of response from MGVCL, he preferred to approach this Forum.

The complainant who appeared personally contended that their firm Ayesha Corporation is engaged in development of Fatima complex and Ayesha park society whereas the Zainab park was developed by Shyamwala Corporation. Ayesha Corporation has no relation with Shyamwala Corporation or Zainab society. Both corporations are separate entities. He further contended that if there were any pending dues from Zainab park, it could be addressed to Shyamwala Corporation. The complainant sought and obtained information under RTI Act. Accordingly, it is conveyed that during checking of Zainab park society electric connection on 13.10.04 by MGVCL squad, power theft was detected and supplementary bill dated 14.10.04 for Rs.334841.51 was issued to Zainab park society developers. They paid Rs.1,00,453/- on 15.10.04 and Rs.66970/ on 19.10.04 as partial payment towards the

supplementary bill. It is also learnt that Shyamwala Corporation approached the Appellate Committee of erstwhile GEB for review and the supplementary bill amount was reduced to Rs.299769.42. It is also learnt that 27 and 32 new connections were released on 22.10.04 and 4.12.04 respectively. In all 64 new connections were released by 25.02.06 after the partial payment by Shyamwala Corporation.

In support of his say that both Ayesha and Shyamwala corporations are distinct entities, he submitted 1) Development deed, 2) Possession Agreement and 3) Sale agreement (*Banakhat*) all dated 22.09.03 between three parties 1) owners of land in Survey No.318, namely Kamlaben, Bhartiben and Ushaben, represented by their Power of Attorney Haji Aminuddin H Shaikh, 2) Four partners of Shyamwala Corporation and 3) Six partners of Ayesha Corporation one of whom is the complainant Shaikh Gulabnabi Mohammadbhai.

According to him, the development rights were transferred by land owners & Shyamwala Corporation to Ayesha Corporation and also possession and sale agreement was executed on 22.09.03 in favour of Ayesha Corporation by the other two parties. This was done before the power theft was detected in Zainab park on 13.10.04 when Ayesha Corporation had no relation with Shyamwala Corporation or Zainab park society. He, therefore, urged that the pending arrears need to be recovered from Shyamwala Corporation and not from Ayesha Corporation. He prayed that the new connections should be released as soon as possible to Ayesha park unit holders who are suffering without electricity. In fact, some of them have threatened to quit the society due to absence of electricity.

The Respondent Shri R V Darji, JE Indrapuri S/dn of MGVCL contended that they were not aware that the Shyamwala developers had transferred their development rights to Ayesha Corporation for Survey No.318 before the theft was detected on 13.10.04. Now that enough evidence is furnished by the complainant to show that Ayesha Corporation has nothing to do with the Zainab park society, the case for new connections can be considered.

The Forum Members present at the hearing considered contention of both the parties and perused the records. On perusal of the development deed, possession agreement and *Banakhat* all dated 22.09.03, it is clearly evident that Ayesha Corporation has nothing to do with Shyamwala Corporation or Zainab park society. Therefore, if there are any past pending arrears due to Zainab park society, attempt must not be made to recover from Ayesha Corporation, rather it could be directed to Shyamwala Corporation.

In view of the above discussion, the Forum is of the opinion that new connections sought by Ayesha Corporation for Ayesha park unit holders be considered for release after due process.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to consider release of new connections sought by Ayesha Corporation and the recovery of the past arrears be addressed to Shyamwala Corporation towards the supplementary bill issued to Zainab park society for detection of theft.

(K R Shah)
Member

(Dr R C Desai)
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>