

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-66-2010.11
Complainant	Shri Babubhai Himmatbhai Rathod, at village Agarva, Tal: Thasra, Dist: Kheda.
Respondent	Shri H V Shah, DE Dakor s/dn of MGVCL.
Date of hearing	28.01.2011

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

The complaint dated 14.01.2011 is for new agricultural vij connection.

Today on 28.01.2011, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Babubhai Himmatbhai Rathod appeared himself, whereas Shri HV Shah, DE Dakor s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

- 1.0 The complainant Shri Babubhai R Rathod, at village Agarva, Tal: Thasra, Dist: Kheda owns agricultural land survey No.845 in joint name with Shri Mohanbhai Himmatbhai Rathod having total area 1-55-80.
- 2.0 Shri Mohanbhai H Rathod, the brother of the complainant had expired during the year 2002.
- 3.0 The complainant has house No.1603 in the eastern part of the land with vij connection No.04863/00442/7.
- 4.0 When Shri Himmatbhai Rathod was alive, some 30 years back survey No.845 of area 1-55-80 was distributed amongst two sons equally (0-77-90) with eastern side to Shri Babubhai and since then both brothers do farming in their respective parts.
- 5.0 The complainant has made well in the land under his control and produced certificate of Talati cum Mantri.
- 6.0 Mamlatdar, Thasra, has issued certificate dated 15.04.2005 with no objection if electricity connection is given for well of Babubhai (Complainant) at Survey No.845 (part) on the basis of Panchnama made in presence of Talati and Sarpanch, Agarva on 8.4.2005 and 10.08.2004.
- 7.0 When the complainant started to do formality to get separate 7/12, and hakkpatrak (No.6) there was objection raised by the son of Shri

Mohanbhai Rathod, legal heir, and as a result, it has been registered under dispute a legal issue as the distribution was not taken on revenue records.

The complainant Shri Babubhai Rathod contended that in order to get agricultural connection under Tatkal scheme he had paid registration fees of Rs.500/- on 28.07.2004. He had also done FQ payment of Rs.53045/- on 03.03.2005. Now, MGVCL intends to cancel application and refund the money paid. He requested forum to help in getting vij connection. He is ready to give any type of indemnity or affidavit which deems fit.

The Respondent Shri H V Shah, DE of Dakor s/dn contended that in revenue records as on the day of hearing the survey No.845 is in joint names of two brothers Shri Babubhai and Shri Mohanbhai. If Shri Mohanbhai has expired, NOC of legal heirs is a must in giving vij connection on well.

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

1. On revenue records, the said land is not divided among the legal heirs and it has been registered under dispute.
2. Though verbatically the land is divided into two equal parts and both parts are under control of both legal heirs and also accepted by Talati, Sarpanch and even Mamlatdar, unfortunate part is the distribution is not recorded in Revenue Department. At this juncture only temporary notes have been endorsed but because of objection raised by other legal heir it has gone under dispute.

In view of the above discussion, the Forum is of the opinion that the complainant should bring the order of Revenue Court till that time order shall be kept pending.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to wait till Revenue Court gives judgement and directs the complainant Shri Babubhai Rathod to submit the judgement of Revenue Court.

(K R Shah)
Member

(M J Vaidya)
Independent Member

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>