

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-3-2010.11
Complainant	Shri Kirit Varma, M/s. Laxminarayan Colonizer & Developers Pvt Limited, Khambhat.
Respondent	Shri M B Chauhan, DE of MGVCCL of Khambhat City Division.
Date of hearing	01.07.2010

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

The complaint is directed against the power supply at village Kansari, Tal: Khambhat.

Today on 1st July, 2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Kiritbhai appeared on behalf of M/s. Laxminarayan Colonizer & Developers Pvt Limited at Khambhat, whereas Shri M B Chauhan, DE Khambhat appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The facts of the case are as follows:

M/s. Choonilal Foundary and Eng Co was erstwhile GEB's HT consumer with a Contract Demand of 440 KVA at village Kansari, Khambhat City.

Due to non-payment of electricity bills, connection was made PDC on 31.05.1986, case was filed (No.296/86) in the Nadiad District Court to recover Rs.613979.54 after deducting deposit of Rs.15030/-. As per adding interest (Rs.303693/-) and legal cost it was totaling to Rs.931672.59.

CGL shows arrears of Rs.613979.59. Interest and legal cost claimed with official liquidator is not ledgerised.

The said land was subsequently purchased by M/s. S R Textile from official liquidator of Mumbai High court, department of company affairs, Ministry of Law & Justice & Co affairs Gol Mumbai, through public auction. The official liquidator had written a letter addressed to General Manager (Comm) the then GEB vide letter No.O.L:LIQ:3:9463 dated 16.10.1992 mentioning therein that all dues of pre-litigation period of government and

semi government companies including the then GEB may be recovered from the official liquidator.

The official liquidator had also written to District Development Officer (DDO) Kheda vide their letter No.OL:LIQ-3:4343 dated 22.07.1993 that any dues of electricity pending during pre-litigation period shall be paid by official liquidator and also added to give electricity connection to M/s. S R Textiles.

M/s. S R Textiles Co had pledged Hon'ble High Court of Gujarat that they should get power supply in the said premises, as the debt of the then GEB was to be recovered from official liquidator Mumbai. Gujarat High court had issued order No.6489 of 1995 to the then GEB to supply power to M/s. S R Textiles.

M/s. S R Textiles had divided the said premises into three parts namely A B and C. Parts A & C were purchased by M/s. Laxminarayan Colonizer & Developers Pvt Limited at Anand and B part was purchased by 36 individuals and formed "Yogi Park" Society Kansari, Khambhat.

The Yogi Park Society has been supplied domestic power since about 15 years. It seems that this supply was made available on the basis of government order.

The complainant had applied for commercial power supply on 16.12.2008 which was refused by EE (City) vide his letter No.CBY:City:Tech:6758 dated 31.12.2008 based on the basis of Hon'ble Supreme Court judgement in Appeal No.6565 of 2008.

The complainant contended that (1) They should get commercial power (2) They are not liable to pay electricity dues as they had purchased the part of the said premises from M/s. S R Textiles who had purchased the total premises through public auction from official liquidator of Mumbai High court (3) The official liquidator have written letter to DDO that all dues of government and semi government companies including the then GEB would be paid by official liquidator and electricity to be supplied to M/s. S R Textiles.

The Respondent Shri M B Chauhan DE of MGVCL contended that (1) demand of power cannot be entertained as the pending dues are not paid. In support he referred the judgement of Hon'ble Supreme Court of India in the Civil Appeal No.6565 of 2008 filed by Pashchimanchal Vidyut Vitran Nigam Limited V/s. M/s. DVS Steel & Alloys Pvt Ltd.,

The Forum Members present at the hearing considered contention of both the parties and perused the records and conclude the following:

The official liquidator though had agreed to pay the pending dues of M/s. Chunilal Foundry of pre-liquidation period vide their letter No.OL:LIQ:3:9463 dated 16.10.1992 and 4343 dated 22.07.1993 but till date, they have not cleared the dues of the said premises and hence the applications of M/s. S R Textiles and M/s. Laxminarayan Colonizer for supply of electricity are not considered. Electricity Supply Code clearly states that the electricity supply can be restored or fresh connection can be provided to the premises only after the dues of previous owner / occupant and / or present owner / occupant are paid.

Referring to the Hon'ble Supreme Court judgement dated 7.11.2008 in Civil Appeal No.6565 of 2008 – Paschimanchal Vidyut Vitran Nigam Limited & M/s. DVS Steel & Alloys Pvt Limited :

“The distributor can stipulate the condition that the arrears due in regard to the supply of electricity to the previous owner / occupant should be cleared before the power supply is restored to the premises or a fresh connection is provided”.

In view of the above discussion, the Forum is of the opinion that the dues of electric supply pending with reference to the said premises shall be paid in full by the complainant.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to recover the full amount from complainant before fresh electric connection is given.

(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>