

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-1-2011.12
Complainant	Shri Jivatsinh U Vaghela at Chikhlod, Tal: Kapadwanj.
Respondent	Shri Dalwadi DE of MGVCL
Date of hearing	20.05.2011

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

The complaint dated 06.04.2011 is for PDC RC with shifting.

Today on 20.05.2011, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Ketansinh Vaghela appeared on behalf of complainant, whereas Shri Dalwadi, DE appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as follows:

- 1.0 Shri Jivatsinh U Vaghela, had consumer No.02042/01002/2 agricultural connection in LS No.62/1 at Vejalpur (Kapadwanj) since 28.01.1999
- 2.0 Due to non-availability of water, the complainant had not paid electricity charges and hence the said connection was made PDC on 12.07.2002
- 3.0 LS No.62/01 was sold to Shri Bhailalbai K Patel of village Sukhpura on 28.7.1998. The same land was again sold to Shri Surabhai Mangalbai Bharwad by Shri Bhailalbai K Patel on 17.05.2006
- 4.0 During April 2010, the original owner Shri Jivatsinh had put up a case in Lok-Adalat in which arrears of Rs.15193/ was paid by him and interest of Rs.15136/ was waived off as per norms.
- 5.0 Now, the complainant contacted Kapadwanj office for PDCRC with shifting from LS No.62/1 (Vejalpur) to LS No.805 (Chikhlod) with NOC / consent of the present owner Shri Bharwad.
- 6.0 On the basis of recommendation by SE (O&M) Anand. Kapadwanj office had started working on reconnection with MIS condition, paying Rs.300/ as registration fees and payment of DPC Rs.15136/ . The complainant had fulfilled these requirements.
- 7.0 As per Division letter dated 29.03.11, his application was cancelled vide letter dated 30.03.2011.

The representative Shri Ketansinh Vaghela contended that they should be granted PDC RC on the basis of consent of the present owner of LS No.62/1. They did not know the requirements to be fulfilled in case of PDC RC.

The Respondent Shri Dalwadi DE of MGVCL contended that they had started to work on PDC RC on the recommendations by SE (O&M) Anand and also cancelled the registration after getting letter from Division office.

The Forum Members present at the hearing considered contention of both the parties and perused the records. First of all, when the complainant has sold his LS No.62/1 where the agricultural connection was made PDC on 12.07.2002. This connection was given on 28.01.1999 however, the land was sold on 28.07.98 to Shri Bhailalbai K Patel i.e. before connection was given. That means, when connection was released in Tatkal scheme. Shri Jivatsinh was not a owner of the land. Generally, sale-deed specifies the title of premises including all amenities in "as and where" condition.

In view of the above discussion, the Forum is of the opinion that Shri Jivatsinh cannot be granted PDC RC on the basis of NOC / consent of the present owner. Shri Jivatsinh ceased to be the consumer No.02042/01002/2 from the date of his sale-deed of LS No.62/1 dated 28.7.1998.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited not to consider PDC RC with shifting of consumer No.02042/01002/2. This connection should be permanently delisted and the complainant should be refunded all payments made by him for PDC RC.

(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.

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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>