

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-II-42-2010.11
Complainant	Shri Jasvantsinh N Dabhi At & Post : Kakarkhad Tal: Kathlal, Dist : Mehmabad.
Respondent	Shri K M Soni, DE Kathlal of MGVCL.
Date of hearing	26.11.2010.

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

The complaint dated 19.11.2010 is for the name transfer and shifting in agricultural connection.

Today on 26.11.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jasvantsinh N Dabhi, appeared himself, whereas Shri K M Soni DE of Kathlal 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. Shri Narsinh R Dabhi is having agricultural connection consumer no.01819/00181/4 in Survey No.163/1 at Kakarkhad Tal: Kathlal Dist: Mehmabad since 01.06.2003.
2. There is no water in well since last eight years. However, energy bill was being paid.
3. His son Jasvantsinh Dabhi has purchased agricultural land vide survey No.218 at Kathlal and borewell was done during the year 2002.03.
4. As per 7/12 records, Survey No.163/1 has occupiers namely Surajba Bharuji, Narsinh Ranchodji, Budhabhai Bhauji, Giridharbhai Rajaji, Babubhai Rajaji, and Parbatsinh Rajaji out of which Surajba and Giridharbhai Rajaji and Budhabhai have expired and their death certificates are attached.
5. The land survey No.218 at Khalal is in joint names of Jasvantbhai and Sardarsinh both sons of Narsinh Dabhi.
6. Jasvantsinh had applied during March 2010 to MGVCL Mehmabad to do name transfer in Agricultural 6 connection and shift this connection to Survey No.218 at Khalal in his name.
7. Mehmabad division of MGVCL asked for NOC (Notarized) on stamp paper of all legal heirs which he could not do as one brother is not having good terms with the applicant.

The complainant Shri Jasvantsinh Dabhi contended that he is not able to submit NOC of all legal heirs as one of his brothers is not ready to sign in NOC documents, because of strained relations, however, his father Narsinh Dabhi has agricultural 6 connection in his name, he can transfer his name to any as he wishes.

The Respondent Shri K M Soni, DE MGVCL contended that as the complainant could not produce NOC of all legal heirs, name transfer and shifting of Ag-6 could not be done, Hakkpatrak of Survey No.163/1 does not show entry of Shri Narsinh Dabhi, letter No.3460 dated 01.06.2010 of EE Mehmadabad to DE Kathlal had asked notarized NOC of legal heirs, Raiben Shantaben, Chhatrasinh, Mahobatsinh, Sardarsinh, Mohansinh, Balwantsinh could not be produced by the complainant. As per Pethinama total 14 legal heirs are alive as on 16.09.2005.

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

1. The said survey No.163/1 in the name of Shri Narsinh Dabhi and others. This land is in the joint names as per revenue records, two of the legal heirs (total 14 nos) has purchased land survey No.218 where new borewall has been made. The borewell of Survey No.163/1 is without water, if the vij connection of Survey No.163/1 is to be shifted to survey No.218 with transfer of name of Shri Narsinh Dabhi (father) to Shri Jasvantsinh Dabhi (son), the NOC of all alive legal heirs of Survey No.163/1 is required. This request for agricultural shifting with name transfer does not satisfy the conditions mentioned in circular (1) 1556 dated 18.6.1996, (2) 781 dated 5.4.2003, (3) 781/A dated 24.06.2003, and (4) No.781/B of dated 19.10.2004,

In view of the above discussion, the Forum is of the opinion that in view of the above circulars 1556 dated 18.6.1996, 781 dated 5.4.2003, 781/A dated 24.06.2003 and 781/B of dated 19.10.2004, the Agricultural 6 shifting with transfer of name cannot be done.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited and the complainant Shri Jasvantsinh Dabhi that Agricultural 6 connection consumer No.01819/00181/4 in survey No.163/1 can not be shifted with transfer of name.

(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>