

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-4-2010.11
Complainant	Shri K N Misra, Director on behalf M/s. Gujarat Filaments Limited at GIDC Halol, Dist : Panchmahals.
Respondent	Shri V C Acharya Executive Engineer of MGVCL Halol
Date of hearing	01.07.2010

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

The complaint regarding settlement of expert committee approved for implementation

Today on 1st July, 2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri K N Mishra Director appeared on behalf of M/s. M/s. Gujarat Filaments Limited at GIDC Halol, Dist : Panchmahals, whereas Shri V C Acharya, Executive Engineer Halol appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows:

1. The settlement approved by Expert Committee directed for payment in three instalments.
2. Two instalments were paid and accepted however 3rd instalment of Rs.1,99,875/- was returned by Halol Office, insisting for delayed payment with interest.
3. Company is closed since more than ten years.
4. Complainant did not find in MGVCL's letter the time limit for instalment payment.

The complainant has contended that they are ready to pay dues with interest upto 26.05.2008 on which he had submitted cheque for payment of third instalment.

The Respondent Shri V C Acharya Engineer of MGVCL has contended that interest is leviable for delayed payment by complainant.

The Forum Members present at the hearing considered contention of both the parties, perused the records and observed that (1) MGVCL's letter dated 08.05.2005 informing consumer the settlement terms did not stipulate any

time limits / dates for payment of three instalments granted, (2) Two instalments' payments by consumer were accepted by MGVL without any delayed payment charges, (3) Party seems to be sincere to pay their old dues, (4) From records, it is found that he had submitted cheque payment for third and last instalment but cheque was returned keeping in view the termination of settlement, (5) The consumer's unit is closed since 1999 and assets of the units have also been sold by the lender Banks. Even-though in such adverse conditions, the consumer has tried to abide to the terms of settlement under Samadhan Yojana and (6) In spite of precarious financial conditions, the consumer is also ready to pay interest on delayed payment of third instalment upto 26.05.2008.

In view of the above discussion, the Forum is of the opinion that consumer's dues of third instalment as granted under Samadhan Yojana 2005 may be accepted with interest @ 9% from 04.08.2007 to the date of this order as full and final settlement of their dues.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to accept the payment of third instalment as granted under Samadhan Yojana 2005 with interest @ 9% from 04.08.2007 to the date of this order as full and final settlement of third dues.

(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>