

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-III-42-2010.11
Complainant	Shri Jayantibhai B Patel, Jitpara, Tal: Kathlal Dist: Kheda.
Respondent	Shri K M Soni, DE of Kathlal Sub-Division, MGVCL
Date of hearing	19.11.2010

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

The complaint dated 15.11.2010 is directed against the PDC reconnection.

Today on 19.11.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jayantibhai B Patel, appeared as complainant, whereas Shri K M Soni, DE appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

- 1.0 Originally Shri Mangalbhai B Rathod had Ag-37 consumer No.01331/00040/7 at village Jitpara, Tal: Kathlal, Dist: Kheda which was made PDC in the year 1998.
- 2.0 The said land block / survey No.20 of area 1-07-24 was sold to the complainant and others and revenue records showed ownership of the complainant and others (two) since 03.12.2007.
- 3.0 The complainant applied for PDC reconnection to MGVCL on 06.04.2010 after paying Rs.2750/- against Ag 37 pending dues.
- 4.0 In reply, DE Shri Soni wrote a letter from Kathlal Sub division bearing ref. no. 1519 dated. 09.04.2010 with original consumer's name to GGRC that no dues are pending and hence according to company's rules and policy, PDC reconnection will be given after complying necessary formalities like application with transfer of name, documents from local bodies, NOC of co-owners, sanction of MIS by GGRC, etc.

- 5.0 Thereafter the complainant fulfilled all requirements of GGRC and MGVCL, Sub Div. Kathlal. The complainant invested Rs.68000/- approx and entered into 4-party agreement also.
- 6.0 After this stage, Shri A. G. Shah, EE (Mehmadabad Div) refused to allow PDC reconnection.

The complainant Shri Jayantibhai Bhalabhai Patel contended that on the basis of the letter from Mr. K. M. Soni, DE (Kathlal Sub Div.) dated. 09.04.10 only, he proceeded further to collect all documents, to approach GGRC with investment of approx Rs. 68000/- (50% Subsidy), to adopt MIS to enter four party agreement, etc, etc. He was shocked when Mehmadaabad Div Office refused to approve PDC reconnection, as he had borrowed the funds to earn agricultural income and repay the debts.

The respondent Shri K. M. Soni DE Kathlal Sub Div contended that in this case PDC reconnection can be given and hence further proceeded with GGRC i.e. from 4-Party agreement, collection of all documents, charges, fees, dues, etc. After getting directives from EE Mehmadaabad Division in writing, he wrote to the complainant regretting for PDC connection. He, further requested the Forum to give guide lines in the matter.

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

- (1) Referring to letter of Chief Engineer (Dist) Vide JMB/Rev/PDC/ RC/ 96/8408 dated. 01.11.1996, "after making PDC, person ceases to be the consumer of the Board. There is no question of changing the name of the consumer during the PDC period. All actions regarding change of name, change of place, etc are to be considered at the time of considering the PDC reconnection proposals".
- (2) Referring Electricity Distribution Circular No. 683 of CE (Dist) bearing ref. no. OMCR-G/1139 dated. 19.06.1997 it mentions in Para-5 that "if land is sold with PDC connection and if new party applies on the same place for PDC Reconnection, then reconnection can be approved. If new party applies for shifting of reconnection in other survey number, owned by him, can also be approved." "Next clause mentions that "it is immaterial how long it has remained under PDC, however local office should confirm the existence of the original connection." Next clause shows the list of documents and proofs to be submitted by the applicant, which has been done in this case.
- (3) Referring to circular GUVNL-OSD-VV-485 dated. 03.08.2007 by Dir. (Tech) it mentions in Para 3, "if PDC for Agricultural connection is more than five years and if application is done for reconnection, the same can be accepted if party agrees to accept drip irrigation scheme and agrees to pay bill as per 'Tatkal Tariff'".

It is, however, allusive to note that it is categorically emphasized under all relevant circulars issued for PDC reconnection and PDC reconnection with shifting of connection that all such request applications should be considered only if the original owner of land or the legal heir of the original owner of the land apply for PDC reconnection and / or PDC reconnection with shifting of connection. In the instant case, since Shri Jayantibhai Bhalabhai Patel at village Jitpara, Tal: Kathlal is not the original owner of the land and the original agricultural consumer and therefore, their request application for PDC reconnection with change of name cannot be entertained. As there is no specific regulations or orders issued by Hon'ble GERC as regards entitlement for PDC reconnection of Agricultural connection, Forum is of the opinion that all Policies and norms framed by Gujarat Urja Vikas Nigam Limited (GUVNL) or erstwhile GEB should be honoured.

ORDER

The Forum, therefore, directs Madhya Gujarat Vij Company Limited (MGVCL) not to consider the application for PDC reconnection of agricultural connection for Survey No.20 at village Jitpara, Tal: Kathlal, Dist : Kheda, nevertheless the land being presently, owned by Shri Jayantibhai B Patel. Forum also further directs MGVCL to issue comprehensive circular & guideline for dealing with agricultural PDC reconnection.

(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>