

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-5-2010.11
Complainant	Shri Parshottambhai G Bhanderi, VVnagar Anand.
Respondent	Shri A N Patel, DE VVnagar of MGVCL
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 theft of energy bill by complainant.

Today on 01.07.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Hareshbhai son of Parshottambhai G Bhanderi, appeared, whereas Shri A N Patel, DE VVnagar appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows:

- 1.0 Plot No.144 of GIDC VVnagar was purchased by Shri Parshottambhai G Bhanderi from M/s. Gyan Yagna Industrial Limited on 27.11.2007
- 2.0 M/s. Gyan Yagna was having consumer No.01201/00956/1
- 3.0 Before this purchase deal, M/s. Gyan Yagna had given part of the premises on rental basis to M/s. Dinkar Industries.
- 4.0 M/s. Dinkar Industries was provided 15 HP connection consumer No.01201/50883/5 which was found with tampering on 6.5.2005
- 5.0 After 50% recovery of bills, the connection was reconnected on 16.5.2005
- 6.0 MGVCL has made the connection PDC on 09.09.2005
- 7.0 M/s. Dinkar Industries have not applied officially to put up the said case before Appellate Committee till this hearing date though he had given binding on Rs.50/- stamp paper on 23.05.2005 to agree with the decision of Appellate Committee. Hence, Appellate Committee is not in picture as on today.

The complainant contended that:

1. He should be sanctioned additional power.
2. In the contention of the complainant, he has informed that before one month from tampering date checking during 2005, the OK report was given by MGVCL.
3. They have nothing to do with dues as they did not know while purchasing the premises.

The Respondent Shri A N Patel, DE VVnagar of MGVCL contended that the dues are on plot No.144 and hence the complainant has to pay the dues.

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

Referring to the Hon'ble Supreme Court's judgment dated 7.11.2008 in Civil Appeal No.6565 of 2008 Paschimanchal Vidyut Vitran Pvt Ltd, the Distribution Company 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 electric supply is restored to the premises or a fresh connection is provided. Such rules and regulations or the terms and conditions are not arbitrary and unreasonable. Court will not interfere with them. It is justified in a provision enabling the distributor / supplier to disconnect electric supply if dues are not paid and insist upon clearance of arrears before a fresh electricity connection is given to the premises. It is obviously the duty of the purchasers / occupants of premises to satisfy themselves that there are no electricity dues pending before purchasing / occupying premises.

Complainant could not produce any proof for OK report. Even if OK report is found in past, it does not necessarily prove that there was no tampering earlier to OK report date.

In view of the above discussion, the Forum is of the opinion that the dues in full should be paid by the complainant.

ORDER

The Forum directs the Madhya Gujarat Vij Company Limited to recover full amount of dues from the complainant.

(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>