

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2011 of GERC (CGRF & Ombudsman)

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-I-06-2019-20
Complainant	Shri Naineshbhai P Patel, owner of Shiv Construction, Block No.1, Santram Vatika, Behind Ganpati Mandir, Kapadwanj Road, Near Railway Crossing, Nava Bilodara, Nadiad 387002
Respondent	Shri B V Patel, Deputy Engineer, Nadiad Rural s/dn of MGVCL.
Date of hearing	19.06.19 at Nadiad Circle office.

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Smt S H Parekh, (RA&C) MGVCL Vadodara

The complaint dated NIL recd on 27.05.19 regarding refund of infrastructure estimate.

1.0 On 19.05.19, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Chandubhai S Patel appeared on behalf of complainant Shiv Construction, Nava Bilodara, Nadiad 387002 whereas Shri B V Patel, Deputy Engineer, Nadiad Rural s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

2.0 The brief history of the case is as under:

2.1 M/s. Shiv Construction had registered application on 30.12.2016 for underground LT infrastructure development at Santram Vatika for 73 residence and 9 nos of shops having total load of 169 KW load at R S No.254/1 of village Nava Bilodara, Nadiad, alongwith approved map from concerned authority. After due procedure like survey, TS, etc estimate of Rs.62613/- was issued as 15% supervision charge of total infrastructure cost and same was paid by party on 18.03.17.



2.2 M/s. Shiv Construction had applied for 30 nos of residential lighting connection at NA land bearing R S No.254/1 alongwith approved map, Aakarni of grampanchayat Bilodara, ID proof etc of individual applicants on 12.06.2017.

2.3 After due survey and as per prevailing norms, TS was issued by Nadiad (City) dn office vide letter No.3312 dated 12.7.17 under 'D' category with 11 KV HT line 0.24 kms with 700mm² HTABC and 63 KVA TC and estimated cost of Rs.669209/- with noting that proportionate line charge is to be recovered from prospective applicants.

2.4 S/dn has issued individual estimate considering fixed charge, security deposit as per load demand and adjustment of fixed charges of Rs.16156/-.

2.5 Aggrieved by amount of adjustment of fixed charges, complainant has submitted his grievances for refund of adjustment fixed charges recovered from all the 30 applicants.

3.0 The representative of the complainant contended that -

3.1 They have registered 30 nos of applications for residential connection at Santram Vatika Society and in individual estimate, recovery of adjustable fixed charge is not as per norms.

3.2 As the land where Santram Vatika Society constructed is NA land bearing RS No.254/1 hence circular of GoG regarding electrification outside Gamtal area cannot be implemented in this case as more than 15 applications were registered in group and only fixed charges as per load may be recovered as per (a) MGVCL Circular No.2545 dated 20.09.2017 (b) GERC letter No.GERC/Tech/2014/1378 dated 24.06.2014 and (c) GUVNL letter No.GUVNL/Tech/GERC/SC/1069 dated 27.06.2014.



3.3 Complainant have represented to Deputy Engineer, Nadiad Rural s/dn to revise the estimate issued stating that previously revised estimates were given removing adjustment of fixed charges to our scheme namely Santram Green Society at village Manjipura, Nadiad,

4.0 The respondent contended that -

4.1 Individual estimates were issued as per TS accorded by Nadiad City dn office vide letter No. 3312 dated 12.7.17 under 'D' category with 11 KV HT line 0.24 kms with 700mm² HTABC and 63 KVA TC and estimated cost of Rs.669209/- with noting that proportionate line charge is to be recovered from prospective applicants and as per GUVNL Circular No.GUVNL/Tech2/RNR/2719 dated 30.01.2017, Point No.2 as shown below:

- (ર) ગામતળ બહાર ખેતી વિષયક હેતુ માટે ઉપયોગમાં ન લેવાતી હોય તેવી જમીનમાં આવતા મકાનોને (ટ્રાયબલ વિસ્તાર માટે ૧૦ અને નોન-ટ્રાયબલ વિસ્તાર માટે ૧૫ કે તેથી વધુ મકાનોના જૂથને) જેજીવાય ફીડર પરથી પાવર આપવાની નીતિ.
1. ટ્રાયબલ વિસ્તાર માટે ઓછામાં ઓછા ૧૦ અને નોન ટ્રાયબલ વિસ્તાર માટે ઓછામાં ઓછા ૧૫ વીજ જોડાણોની માંગણી હોવી જોઈએ. સદર જૂથ સદરકુ જમીનનો ઉપયોગ રહેણાક હેતુ માટે કરે છે તે અંગેનો સ્થાનિક તલાટી મંત્રીનો દાખલો રજૂ કરવાનો રહેશે.
 2. સદર જૂથ સંબંધિત તાલુકા વિકાસ અધિકારી દ્વારા પ્રમાણિત હોય તો તેવા પેટા પરા વિસ્તારને અગાઉ આપાયેલ જ્યોતીગ્રામ યોજનાના નિયમો મુજબ વીજળીકરણનો લાભ અપાશે. તેમજ સદર પેટાપરા/ જૂથને જ્યોતીગ્રામ ફીડર સાથે જોડવાનો પ્રયત્ન DDUGJY હેઠળ કરવાનો રહેશે. જો DDUGJY યોજના અંતર્ગત જોગવાઈ ન હોય તો, તેવા કિસ્સાઓમાં આ પ્રયત્ન Kuir Jyoti/ TASP/ લાગુ પડતી અન્ય યોજના હેઠળ કરવાનો રહેશે.
 3. જો સદર પેટાપરા/ જૂથ સંબંધિત તાલુકા વિકાસ અધિકારી દ્વારા પ્રમાણિત ન હોય તો તેવા કિસ્સામાં કનેક્શન આપવા માટે ઊભી કરવામાં આવતી માળખાકીય સુવિધાને લગતો તમામ પ્રયત્ન, જૂથના તમામ અરજદાર-સભ્યો પાસેથી માંગેલા વીજભારના પ્રમાણ મુજબ વસુલીને જરૂરીયાત મુજબ સિંગલ ફેઝ/થી ફેઝ વિજ જોડાણ, જે તે સમયના ધારાધોરણ અને લાગુ પડતા ટેરીફ મુજબ આપવામાં આવશે.
 4. વીજચોરી અને અકસ્માત નિવારવા આવા કનેક્શનને નજીકના હયાત હવા દબાણવાળા વીજરેષામાંથી એલટી એબીસી દ્વારા વીજપુરવઠો પૂરો પાડવામાં આવશે અથવા HVDS પદ્ધતિ દ્વારા વીજપુરવઠો પૂરો પાડવામાં આવશે અને HT લાઇન માટે ઓવરહેડ HT AB CABLEનો ફરજિયાત ઉપયોગ કરવાનો રહેશે.
 5. હાલમાં, કોઈ પેટાપરામાં હયાત વીજજોડાણનો વીજપુરવઠો જો ખેતીવાડી ફીડર પરથી મળતો હોય અને આ નીતિ મુજબ તે જેજીવાય ફીડર પરથી વીજપુરવઠો લેવા માંગે તો ઉપરોક્ત શરતોને આધીન ફેરફાર કરાવી શકશે.

4.2 Also, in MGVCCL Circular No.2545 dated 20.09.2017, it is clearly mentioned that revised guidelines, regarding not to recover actual cost from consumers is applicable to connections asked other than residential purpose.

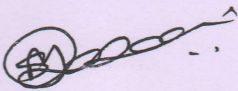


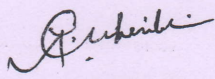
4.3 It is further clarified that previously revised estimates were issued in Santram Green Society, at village Manjipura, Tal: Nadiad, as party has submitted notification letter of Superintendent, Land & Records, Kheda, regarding Revenue Survey number nearer to gamtal (ag land, NA land, & govt land) of Manjipura village, is being transferred to City survey area.

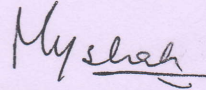
5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that as per gamtal circular and its amendments and as per Circular No.MGVCL/Tech/ DoP/670 dated 19.2.19, it is clearly mentioned in Point No.3 that "as per present policy, while giving new LT connection in NA Land' within city / Gamtal area / GIDC / Industrial estate, estimates are given on KW based fixed charges. But as the Santram Vatika scheme is out of gamtal area and bearing Revenue Survey number, line charges recovered proportionately from each applicant is as per prevailing norms and in order.

ORDER

6.0 The Forum has come to the conclusion that the estimates issued to complainant M/s. Shiv Construction, Block No.1, Santram Vatika, Behind Ganpati Mandir, Kapadwanj Road, Near Railway Crossing, Nava Bilodara, Nadiad 387002 considering adjustable fixed charge is in order & as per norms.


(Smt S H Parekh)
Technical Member


(A G Shaikh)
Independent Member


(Smt Mala Y Shah)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. **The Office address of the Ombudsman is :** The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.

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>



Thanking You,

Yours Sincerely,
For & on behalf of CGIRF

(S N Parikh)
Convener

Encl. As above

MGVCL SIDH with order to:

24x24 MD MGVCL Corp Office, Vadodara

C E (Proj) MGVCL Corp Office, Vadodara

COPY TO:

SE (ORM) City MGVCL - CO Nadiad

EE (ORM) MGVCL DO Nadiad City, Nadiad

D E MGVCL Nadiad CPJ Sidh. Nadiad

-He is requested to submit Action Taken Report within 7 days from the date of issue of this Letter.