

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- 2 -2010.11
Complainant	Shri Rajendrabhai B Patel, At Sevasi, Dist: Vadodara
Respondent	Shri S P Sagar JE of Gotri Vadodara (O&M) MGVCL
Date of hearing	16.08.2010

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

The complaint dated 16.04.2010 is against title transfer to original person i.e. Kantaben Chimanbhai Vadand instead of existing Shri Dinbhai Prabhudas Patel

Today on 16.08.2010, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Rajendrabhai B Patel, appeared himself, whereas Shri S P Sagar JE of Gotri Vadodara (O&M) appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows:

- As per the CGRF order dated 26.10.2009 against complaint No.MG-III-37-09.10 of Shri Dinubhai P Patel, Nirman Society, Alkapuri, Vadodara, MGVCL had transferred the connection bearing consumer No.02422/60034/4 on a temporary basis till the ownership issue is resolved by the Hon'ble Court. In this regard, Shri Dinubhai Patel has given an undertaking on a stamp paper of Rs.100/- that this transfer of connection is tentative and would be reviewed / altered as per the final order of the Hon'ble Court as and when ownership is decided by the court.

Shri Dinubhai Patel had applied for transfer of name on the basis of the death of Keshavbhai Valand on 03.09.2009 and will made by him dated 11.04.2002 for the agricultural land Survey No.264 Block No.716, area 0.68.80 which was in Joint A/c. This application is rejected by Shri B R Patel, Mamlatdar (Vadodara) as per his order No.TS:Takrari:Case:285:09 dated 05.03.2010 on the following reasons:

- The land is of "Navi Avibhajya Sharat".
- The total land of 0.68.80 area

- iii. Originally the land belonged to Harjibhai Valand. He had two sons, namely Keshavbhai and Chhaganbhai. Keshabhai had no heir and Chhaganbhai had son Chimanbhai
- iv. During 1997, there was a compromise to distribute the said land in two parts for Keshavbhai and for Chimanbhai and his heirs.
- v. Shri Keshavbhai Valand had prepared will on 11.04.2002 in favour of Shri Dinubhai Patel with full area of land i.e. 0.68.80 and the will did not contain the signatures of other heirs and hence it is not legally valid.
- vi. As on today, there is no proof of division of land among the heirs by the Competent Authority.

The complainant contended that the electric connection transferred in the name of Shri Dinubhai on the basis of will is not correct as per the order of Mamlatdar vide his order No.T.S/Takrari/case/285/09 dated 05.08.2010 and original owner's name in MGVCL should be continued till distribution of land is done by the Competent Authority.

The Respondent Shri S P Sagar JE of MGVCL contended that he shall follow the instructions of higher up or the Forum's directives as the matter is found complicated in nature.

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

- (1) The agricultural land is of NAVI AVIBHAJYA sharat.
- (2) The total land is of 0.68.80 area
- (3) Originally land belongs to Harjibhai Muljibhai Valand. He had two sons, namely Keshabhai and Chimanbhai
- (4) Keshavbhai had no heir but being the elder son, his name was appearing in the revenue records.
- (5) Apparently Shri Keshavbhai had made two wills one on Shri Dinubhai Patel's name with full area of land i.e. 0.68.80 area on 11.04.2002. He had made another will in the name of Shri Keyurbhai Pravinchandra and Patel Rajendrabhai Bhailalbai on 22.04.2009
- (6) It is important to note here that the undertaking given by Shri Dinubhai Patel does not narrate the ownership of the land i.e. NOC of other legal heirs not submitted. It is also important to note that the application of Shri Dinubhai Patel to MGVCL to transfer the name of the old consumer i.e. Keshavbhai Valand to his name is only on death certificate and will. The death certificate is correct but the will is not legally valid. In addition, condition (1) is not complied with.

(7) As per para No.4.8.2 (c) of Electricity Supply Code "Affidavit declaring that the applicant is the successor of interest in the premises, or NOC of other legal heirs is not submitted by Shri Dinubhai P Patel.

In view of the above discussion, the Forum is of the opinion that:

- 1.0 The name of Shri Dinubhai Patel from the consumer connection No.02422/60034/4 to be removed with immediate effect.
- 2.0 To continue the consumer name / names as per the revenue records or MGVCL records.
- 3.0 Any change / transfer of name in consumer's connection No.02422/60034/4 shall be after the distribution of land among the heirs and on production of proof.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to remove the name of Shri Dinubhai P Patel from the consumer's connection No.02422/60034/4 with immediate effect and to continue the original consumer name / names as per the original revenue / MGVCL records. Any name / names as per original connection shall be after the distribution of land among the heirs and on production of proof.

(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>