

**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-II-52-2012.13
Complainant	Shri Jayendrakumar Mangaldas Patel at Panch Hatdi, At & Post : Kheda.
Respondent	Shri J M Patel, J E Kheda s/dn of MGVCL
Date of hearing	05.10.2012 at Anand Circle Office

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Shri M J Vaidya, Vadodara
Technical Member	Shri Y B Sukhadia, MGVCL

The complaint dated NIL received on 10.09.2012 regarding transfer of agricultural connection from survey number.

Today on 05.10.2012, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jayendrakumar Mangaldas Patel appeared himself, whereas Shri J M Patel, Junior Engineer of Kheda s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. The consumer having agricultural connection in Survey No.1944 since 18.04.1965 (consumer No.10551 / 02707 / 08).
2. The well in this survey number was damaged during river flood in 1989.90 and connected equipment were washed away.
3. Hence, since then it was in non-use / non-operating condition but till day regular bills as per Agricultural tariff is paid by the consumer in view of new well preparation if financial conditions improves.
4. New well prepared in survey No.930 of same village and applied for transfer of connection from survey No.1944 to 930.
5. The MGVCL vide their letter dated 10.07.2012 informed to the concerned that the said land of survey No.1944 is already connected to non-agricultural land hence either the connection to be made PDC or the tariff applicable will be water works. It was also informed that the said

agricultural connection cannot be shifted to other place considering the land as non-agricultural.

6. The consumer has submitted NA revised plan copy dated 03.07.2007. The content of the NA permission is as under:
 - a) District Development Officer, Kheda, had given survey No.1942 paiki 1944 and 1927 on 06.03.1991.
 - b) Construction not done within the permissible time limit as per condition No.2 of original NA permission order.
 - c) The Collector, Kheda has issued revised NA permission (as per approved revised plan dated 05.08.2004) to start construction within six months and complete within three years.
7. NA permission was asked by Shri Jayendrakumar Mangaldas Patel who is one of the occupant of Survey No.1944 (paiki) as per land record, 8A Utara.
8. The consumer has not submitted agricultural well "Namuna No.16 of LS No.1944". On verification by MGVCL, no agricultural well found in LS No.1944 of village Kheda.

The Forum has noted that till the shifting of agricultural connection to other survey number of same village, the consumer has paid the bills as per agreed tariff terms for his agricultural connection. The irrigation source (i.e. well) was not available since 1989.90. The irrigation source was damaged due to heavy flood and the consumer could not repair it due to poor financial conditions but with the hope of future need kept paying regular bills under agricultural tariff. The consumer was neither, aware of shifting of his connection before connecting agricultural land to non-agricultural land, nor guided by MGVCL. The consumer has already constructed well in other survey number of same village for the same agricultural purpose.

In view of the above discussion, the Forum is of the opinion that as the consumer was not aware of the rules, shifting of his agricultural connection should be allowed

as a special case but within the framework of shifting rules and the case should not be considered as precedence in other cases.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to allow the complainant for shifting but within the framework of shifting rules. This should not be considered as precedence.

(Y B Sukhadia)
Technical Member

(M J Vaidya)
Independent Member

(P J Patel)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 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/Consumer%20Grievances/Procedure/Procedure.pdf>