

**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-26-2012.13
Complainant	Shri Saurabhkumar Mukutlal Gupta, Plot no.254 & 255 Aaryaj Apartment VV No.388120 of Anand.
Respondent	Shri V S Virpara Deputy Engineer Vallabh Vidhyanagar s/dn of MGVCL.
Date of hearing	06.07.2012 at Anand

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 13.4.2012 regarding refund of line charges and transformer charges.

Today on 06.07.2012, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Ghanshyambhai R Patel, appeared on behalf of complainant Shri Saurabhkumar Mukutlal Gupta, whereas Shri V S Virpara Deputy Engineer Vallabh Vidhyanagar 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. Aaryaj Apartment had asked for vij supply for infrastructural development for 18 numbers of flats, one number of lift and one number of water works.
2. Accordingly, they had paid Rs.2,96,247/ for infrastructural development vide Demand Draft No.777325 dated 8.12.2010.
3. On behalf of the Aaryaj Apartment, Shri Saurabhkumar M Gupta, had submitted complaint regarding payment they had made for line charges and transformer charges.
4. The complainant had also complained that MGVCL has again recovered as fixed charges from each flat owner.
5. MGVCL had completed infrastructural development works on 16.01.2011, 12 individual flat owners had applied for vij supply on 01.07.2011. The complainant had applied for water works, general lighting and lift on 01.08.2011. Remaining six number of flat owners had applied for vij supply on 20.01.2012.

Shri Ghanshyambhai Patel on behalf of complainants contended that MGVCCL has charged for vij supply two times namely for infrastructural development and again individual connection in the flat. This is not as per GERC Notification 2005, Section 9, Chapter-IV and hence asked for refund of the paid amount.

Respondent Shri V S Virpara Deputy Engineer Vallabh Vidhyanagar s/dn was not having sufficient authentic details about the circulars of infrastructural development and fixed charges for individual cases. However, on the next day, he has submitted to the Forum vide his letter No.VVN:Tech:CGRF: 3087 dated 07.07.2012.

Letter No.GUVNL:D(T):Charges:184 dated 8.2.2007 of GUVNL, Point No.E, is reproduced hereunder:

“If any private organizer or developer desire to develop the infrastructure of electric network for a residential colony / commercial complex / industrial estate, full cost of HT / LT line and transformer center should be recovered from organizer / developer and service connection charges should be recovered as per C C No.753 dated 19.2.2003 (or amended from time to time) directly from the owner of the house or industry as the case may be, when they apply for service connection. In such circumstances, the application from organizer / developer should be registered for development of infrastructure only and not for individual connections for different units of society / complex.”

Hence, viewing above, the refund of infrastructural development payment cannot be considered.

As per GUVNL Circular No.GUVNL:Tech:D(T):SC: 1067 dated 11.05.2011 regarding fixed charges to be recovered from individual applicants with immediate effect.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that MGVCCL has taken infrastructural development charges as per the directives given in GUVNL letter No.GUVNL:D(T):Charges:184 dated 8.2.2007. It is also observed that the individual applicant for LT vij supply has to pay estimate / fixed charges as per GUVNL letter dated 12.01.2011 with immediate effect and no past cases should be reopened.

In view of the above discussion, the Forum is of the opinion that the concerned division / sub-division of MGVCCL has collected the infrastructural development charges from the organizer and fixed service charges against the individual application are as per letter / circular of GUVNL bearing reference No.GUVNL:D(T):Charges:184 dated 8.2.2007 and circular No. No.GUVNL: Tech:D(T):SC: 1067 dated 11.05.2011 respectively. Hence, forum is of the opinion that the refund of payment made by the complainant against infrastructural development and fixed charges by individual applicant of Aaryaj Apartment cannot be considered.

ORDER

- (1) Payment done by the complainant Shri Saurabhkumar Mukutlal Gupta, Plot no.254 & 255 Aaryaj Apartment VV No.388120 of Anand against infrastructural development is found in order as per letter No. GUVNL:D(T):Charges:184 dated 8.2.2007 of Director (T), GUVNL and
- (2) Payment received by MGVL from individual applicant of Aaryaj Apartment against fixed service charges are as per GUVNL circular No. GUVNL: Tech:D(T):SC: 1067 dated 11.05.2011 are also found in order.

(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/Cosumer%20Grievances/Procedure/Procedure.pdf>