

**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-04-2014.15
Complainant	Gopal Avenue, Station Road, Near Gopal Talkies Char Rasta, C/o Chiragbhai R Patel, Juna Ramji Mandir, Kachia Sheri, Dena Bank Road, Anand
Respondent	Shri A S Chaudhary, Deputy Engineer, Shastri s/dn of MGVCL
Date of hearing	11.04.2014 (Vadodara) & 17.04.2014 (Anand)

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Medha M Marathe, MGVCL

The complaint dated NIL received on 02.04.14 regarding to give new commercial vij connection & refund against line charges.

On 11.04.2014 (Vadodara) & 17.04.2014 (Anand), the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Hariharbhai Chotabhai Patel on behalf of Shri Chiragbhai R Patel of Gopal Avenue appeared whereas Shri A S Chaudhary, Deputy Engineer, Shastri s/dn as appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. The complainant was having old property of two storied building at Station Road, Near Gopal Talkies Char Rasta, C/o Chiragbhai R Patel, Juna Ramji Mandir, Kachia Sheri, Dena Bank Road, Anand.

2. As the building was to be demolished, 17 number of connections having total 21 KW load were made PDC as per advise of Deputy Engineer Shastri s/dn of Anand.
3. After demolishing old building, new four storied complex was constructed. Total 35 number of connections were demanded including old 17 number of connections.
4. Infrastructure charges are paid which is illegal. In support reference given for “City Plaza” case which was referred to CGRF and order to refund of this transformer charges. It is requested to refund of transformer charges and line charges as old connection are to be given without recovering any charges.

The representative of complainant contended that old building was owned by Shri Chirag R Patel with co-owners. Old connection were in the name of tenants and not a single connection was in the name of Shri Chirag R Patel. Out of newly built 35 commercial shops, 15 connections are applied by Shri Chirag R Patel. He also informed that load of old connections should be considered while giving new connection and transformer charges recovered should be refunded. Only fixed charges should be recovered instead of recovering transformer charges as well as line charges.

The respondent contended that earlier old building was having Gopal Talkies along with other shops. The complainant had applied for PDC of 11 nos of connections on 22.12.2011. Thereafter, on 27.12.2011, he had applied for PDC for 4 nos of connection given in Gopal Talkies as the building was to be

demolished. After construction of new complex namely Gopal Avenue, the complainant had applied for new 36 nos of commercial connections each of 1 KW load and one common connection of 6 KW load for lift, water work and common lighting. Accordingly, total 37 connections for total 42 KW load was demanded for infrastructure on 27.09.2013. After survey, FQ was issued on 18.10.2013 amounting to Rs.2,41,767/ and on the same day it was paid. Work involved was erection of 63 KVA new transformer centre to cater load considering total load of 54 KW as per prevailing norms of sq ft area. Work was completed on 26.10.2013. Thereafter, complainant had applied only for 20 nos of new connections for shops in the name of Shri Chirag R Patel on 28.10.2013 and FQ as per fixed charge were issued on 28.10.2013 and paid the same on 29.10.2013. They were released on 30.10.2013. Again on 12.11.2013, 15 nos of individual connection were asked by complainant in the name of Shri Chirag R Patel. Payment of the fixed charges against FQ issued on 12.11.2013 was made on 27.11.2013. These were released on 29.11.2013. All these 35 shops are owned by Shri Chirag R Patel. It was also informed that complainant had given the shops to tenants on rental basis. Further, he may sale out the shops. In this case, complainant had developed old property and applied for infrastructure facility so that new shops / flats can be sold / lease to the individual applicant as facility is available at the door step. He had also not produced any individual documents while applying for infrastructure connection. Fixed charges are to be recovered from the individual applicant applying in the own name with supporting documents, ownership of premises such as Index, Dastavej & Tax Receipt etc.

So MGVCL allows, in such cases to keep ready the infrastructure at the cost of developer as it is a advance expenditure to MGVCL for laying of overhead line / underground cable / Transformer Centre etc and period for starting of revenue

is uncertain. Also, MGVCL has to keep provision in the grid systems to cater the load demanded by the developer. On getting application from flat owners, fixed charges are being recovered as per load demanded. At the time of application of infrastructure, builder was not having individual documents.

Allegations made by complainant regarding making PDC of old connection by Deputy Engineer Shastri s/dn of Anand is also wrong as total building was to be demolished. The complainant had applied for PDC in the year 2011 i.e. before two years of constructions. As per prevailing rules, PDC RC is allowable only in case of agricultural connection and not in any other categories. Regarding point No.4 about the respondent has clarified that CGRF has ordered to recover proportionate cost of transformer and not order to refund total infrastructure cost. In this case, against load demand of 54 KW 63 KVA Transformer Centre proposed is technically in order as such proportionate cost is not applicable.

The Forum Members present at the hearing considered contention of both the parties and perused the records and it is observed that the complainant has paid for advance laying of infrastructure network for the new building constructed before individual applicant apply for their commercial power supply which is in the interest of the developer to keep all infrastructure facility like road, water, electricity, drainage etc available at the doorstep of individual flats/shops. MGVCL gives individual connection by recovering only fixed cost as per GERC charges by laying its network as per technical requirement at that point of time. The question of PDC reconnection does not arise as it is not applicable to commercial category building as per rules. As the complainant himself had demanded all commercial connections on his name in two phases after completion of the infrastructure work demanded by him. MGVCL is not recovering infrastructure charges if individual applicant applies as

per his requirement and in such case connection-wise ownership / tenant documents along with other documents required to be submitted with prescribed A-1 form.

In view of the above discussion, the Forum is of the opinion that the infrastructure charges recovered from the complainant is in order.

ORDER

The Forum directs the representative of Shri Hariharbhai Chotabhai Patel on behalf of complainant Shri Chiragbhai R Patel of Gopal Avenue, Station Road, Near Gopal Talkies Char Rasta, C/o Chiragbhai R Patel, Juna Ramji Mandir, Kachia Sheri, Dena Bank Road, Anand the infrastructure charges recovered from the complainant is in order.

(Medha M Marathe)

Technical Member

(Harsha S Chauhan)

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>