

**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-40-2014.15
Complainant	Shri Davinder Garg C/O M/s I C Textiles Ltd, Village Lakodra, Ta. Karjan, Dist, Vadodara.
Respondent	Shri D K Rathwa, D.E. Karjan-II Sub D/n. MGVCL
Date of hearing	08.08.2014 at Vadodara

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

The complaint dated 28.07.2014, received on 30.07.2014 regarding delay in shifting of overhead line passing through the company.

On 08.08.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Davinder Garg, DGM, appeared on behalf of I C Textiles, whereas Shri D K Rathwa Deputy Engineer of Karjan-II S/dn 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. Complainant had applied for shifting of 11 KV line passing through his premises on dated 14-11-2011. After survey, an estimate of Rs. 80369/- was issued to the complainant vide letter no. 4762 dated 25-11-2011, which was paid by the complainant on 02-12-2011 vide M.R. no. MV 288463.
2. As the work was not carried out, complainant had reminded the matter to Karjan s/dn office, MGVCL vide letter no. nil dated 05-03-2013.
3. Complainant had registered complaint vide message no. 2132484 dated 20-03-2014 & 2273813 dated 09-07-2014.
4. Complainant has requested for shifting of the overhead line as well as transformer from their premises and for recovery of out of pocket

expense/loss due to the same for Rs. 50000/-. It is required to shift 11 KV line passing through his factory (NA land) premises to facilitate to lay 66 KV line and its sub-station for their purpose.

The complainant contended that they had applied for shifting of 11 KV line passing through premises of M/s. IC Textile on dated 14-11-2011. An estimate of Rs.80369/- issued by MGVCL vide letter no. 4762 dated 25-11-2011 was paid on 02.12.2011 vide M.R. no. MV 288463. He had reminded the matter to Karjan s/dn office, MGVCL vide letter no. nil dated 05-03-2013. He had registered complaint vide message no. 2132484 dated 20-03-2014 & 2273813 dated 09-07-2014 but till day no action taken by MGVCL. There is agricultural tube well of GWRDC in his premises which is being operated by nearby farmers to use water for their farming. He has no objection to lay his 11 KV line (going to the tubewell) at the border of his premises. Complainant has requested for shifting of the overhead line as well as transformer from their premises and for recovery of out of pocket expense/loss due to the same for Rs. 50000/-.

The respondent contended that the existing line caters power to 40 HP agriculture connection in the name of GWRDC, Karjan bearing cons. No. 04103/00640/4 in the L. S. no. 293 released on 25-05-1994. It is Lakodra Govt. Tubewell no.2. There is an agreement between GWRDC & M/s. IC Textiles Limited on stamp paper of Rs.60/- that M/s. I C Textiles Ltd. will not restrict use of tubewell for agriculture purpose.

Respondent further contended that so far line staff has been deputed five times to carry out the line shifting work, but due to resistance of nearby farmers and by Riyazkhan Imtiyazkhan Pathan, operator of Government Tube well no.2, the work could not be carried out.

Considering third party involvement in the case who has legal possession of tubewell & its operation in the premises of M/s. IC Textiles, the Forum was of the view to hear that party also. Accordingly, Riyazkhan Imtiyazkhan Pathan operator of tubewell was called for personal hearing along with complainant on dated 08.08.2014.

Riyazkhan Imtiyazkhan Pathan contended that the construction carried out by M/s. I C Textiles obstructs the way for approach to the Government Tube well no.2. He presented document i.e. the order no. Jamen/C-2/Kalam-67/1232/12-13 dated 11-09-2012 by D.D.O. Vadodara instructing I C Textiles to remove the obstructions from the approach way to the Government Tube well no.2. At present, compound wall obstructing the tubewell is removed. He also contended that any movement by M/s. IC Textiles to obstruct the operation of

tubewell or to lay any line through borewell area which may obstruct for maintenance of borewell will be objected by the farmers in their interest.

The Forum Members present at the hearing considered contention of all the parties and perused the records and observed that as per the agreement between the GWRDC and M/s. IC Textiles, the defined area of the Government Tubewell No.2 should not be obstructed by any means for the operation & maintenance of the said tubewell being used for agricultural farming. M/s. IC Textiles should give independent approach to the tubewell in consultation with GWRDC who is the owner of the tubewell. This action will resolve the dispute between the farmers and M/s. IC Textiles. So for shifting of 11 KV line is concerned, it must be shifted to the mutually agreed place i.e. near the border of M/s. IC Textile in such a way that it should not obstruct the operation of M/s. IC Textile and at safe distance. The transformer centre within the defined area of the tubewell need not be required to shift so if any amount estimated & paid for that purpose may be refunded to M/s. IC Textiles Limited.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to carry out the 11 KV line shifting work in the premises of M/s. I C Textiles Limited, Village Lakodra, Tal- Karjan, Dist-Vadodara. Any charges if recovered for shifting of tubewell's transformer centre to be refunded to M/s. IC Textiles Limited.

(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>