

**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-IV-127-2012.13
Complainant	Ilaben Mahendrabhai Khambhati, at : Mohanpura, Tal: Khambhat, Dist: Anand.
Respondent	Shri B C Majmudar, Executive Engineer (O&M) Khambhat of MGVCL.
Date of hearing	01.03.2013 at Anand CO

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 18.02.2013 regarding not to hear the consumer's problems, recovery of Delayed Payment Charges and disconnection of power supply.

On 01.03.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Mahendrabhai Khambhati, appeared on behalf of complainant Ilaben Mahendrabhai Khambhati, whereas Shri B C Majmudar, Executive Engineer (O&M) Khambhat appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. The complainant has consumer No.00932 / 04040 / 3.
2. On dated 20.08.2012, Rs.970/ were credited by-mistake in the account of above consumer number.
3. MGVCL did not accept their regular bill amount considering their credit amount of Rs.970/
4. The complainant had informed MGVCL that they have not paid Rs.970/
5. MGVCL lateron asked for payment of Rs.176/ + Rs.150/ + Rs.79/ = Rs.405/ from the consumer against arrears.

The complainant contended that on date of hearing, MGVCL has not clarified who has wrongly paid Rs.970/ to his account. On the contrary, MGVCL has asked for the receipt of Rs.970/ paid by him as per their records.

The Respondent contended that Rs.970/ has been paid at ATP in the account of complainant on 20.08.2012. MGVCL has not received the receipt from the complainant. Other consumer has not come forward about the discrepancy in paying Rs.970/ in other

accounts. Due to this, MGVCCL is not able to establish who has paid in complainant's account. At same time, complainant has not paid Rs.176/ + Rs.150/ + Rs.79/ = Rs.405/ pending since Sept 2012, hence, it is instructed that complainant should pay immediately the amount due to him against energy bill since Sept 2012.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that mistake is done by unidentified consumer while paying Rs.970/ at ATP centre to other consumer's account number. Till day, he has not approached to MGVCCL for not crediting the amount to his account.

In view of the above discussion, the Forum is of the opinion that the MGVCCL should have accepted the amount from the complainant when he approached for his due payment. Now, the complainant has to pay his due amount to MGVCCL because Rs.970/ is not paid by him and it is by-mistake credited in his account that does not mean that he should not pay his due amount to the MGVCCL. As a special case, MGVCCL should not charge Delayed Payment Charges amount as consumer himself has come forward to declare that the amount of Rs.970/ is not paid by him.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to accept pending amount from the complainant Ilaben Mahendrabhai Khambhati, at: Mohanpura, Tal: Khambhat, Dist: Anand against her energy bills without Delayed Payment Charges.

(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>