

**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-63-2013.14
Complainant	Shri Jitubhai Pandya, General Secretary, Vadodara Saher Jilla Khedut Mandal, B 801, Gangotri Apartment, R V Desai Road, Vadodara.
Respondent	Shri Damor, Dy CoA (Accounts), MGVCL Corporate Office, Vadodara
Date of hearing	17.08.2013 & 06.09.2013 at Corporate Office, MGVCL

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri Y B Sukhadia, MGVCL

The complaint dated 01.08.2013 regarding not to recover urban tariff from the 104 villages covered under VUDA Vadodara.

On 17.08.2013 & 06.09.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jitubhai Pandya, General Secretary, Vadodara Saher Jilla Khedut Mandal, appeared himself, whereas Shri Damor, Dy CoA (Accounts), MGVCL Corporate Office, Vadodara 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 objected for recovery of urban tariff from the 104 villages covered under VUDA Vadodara.
2. As per Indian Constitution, Part 9(A), 104 villages covered under Vuda are having independent Gram Panchayat. Therefore, electricity tariff should be implemented as per rural tariff. At present, urban tariff being recovered from these villages is illegal.

3. The infrastructure facilities being provided by the Municipality in city area are not being provided by the Municipality to these villages.

The complainant contended that as per tariff schedule, Page No.4, Para No.2 wherein it is mentioned that RGP (Rural) tariff is not applicable to villages which are located within the jurisdiction of urban development authority.

The complainant has objected for the said clause mentioning that these villages are having separate Gram Panchayat as per Gujarat Gram Panchayat Act, so electricity tariff cannot be covered under urban tariff policy.

The complainant has also raised an objection for the authority of Gujarat Electricity Regulatory Commission (GERC) to decide such tariffs which are violating the Indian Constitution. Therefore, requested to look into and revise the tariff schedule for these villages.

Respondent contended that MGVCL cannot overrule the policy of Hon'ble GERC, therefore, complainant request cannot be considered. If consumer wants modification in this tariff policy for the village, has to approach Hon'ble GERC and file the petition for the said matter.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that as per tariff schedule for the supply of electricity at low and medium voltages (Part I) clause No.2.0 "Rate RGP (Rural)" is reproduced below:

"The tariff is applicable to all services for residential premises located in areas within Gram Panchayat as defined in the Gujarat Panchayat Act. However, this is not applicable to villages which are located within geographical jurisdiction of Urban Development Authority".

The Hon'ble GERC is a statutory body authorized to decide the tariff applicable to MGVL. Therefore, no one can change the applicable tariff. GERC, while deciding the tariff, inviting stake holders to raise their objections, suggestions, etc., so now any objection regarding tariff schedule can be represented to the Hon'ble GERC through petition.

In view of the above discussion, the Forum is of the opinion that considering no jurisdiction of the Forum and the utility to change tariff policy, MGVL has to implement as per their applicable tariff schedule.

ORDER

The Forum directs the complainant Shri Jitubhai Pandya, General Secretary, Vadodara Saher Jilla Khedut Mandal, B 801, Gangotri Apartment, R V Desai Road, Vadodara, to follow to pay the charges as per tariff schedule decided by the Hon'ble GERC which are published on the website of the Madhya Gujarat Vij Company Limited.

(Y B Sukhadia)
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>