

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM

MADHYA GUJARAT VIJ CO LIMITED

CORPORATE OFFICE, 2ND FLOOR SP VIDYUT BHAVAN,

RACECOURSE, VADODARA 390 007

Subject	Consumer Grievances Complaint No.MG-I-08-09.10
Complainant	M/s. Komal Industries, Plot No.525/A/P Ishwarpura, (Asoj) Tal: Waghodia.
Respondent	Shri S R Pandya, DE Halol s/dn MGVCL
Date of hearing	19.06.09

QUORUM	NAME
Chairman	Shri S A Pota, MGVCL
Member	Shri K R Shah, MGVCL
Independent Member	Dr R C Desai, Vadodara
Convener	Shri P L Mistry, MGVCL

This complaint is directed for the compensation due to delay in release of new LT connection.

Today on 19.06.09, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Jayantilal G Rawal, Partner, appeared on behalf of M/s. Komal Industries, Plot No.525/A/P Ishwarpura, (Asoj) Tal: Waghodia as complainant whereas Shri S R Pandya, DE Halol s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The facts of the case are as follows. M/s. Komal Industries sought connection for 90 HP by registering an application dated 27.11.2008. The industry is located on a Plot bearing Survey No. Plot No.525/A/P Ishwarpura, (Asoj) Tal: Waghodia. The said plot on the same survey number earlier belonged to M/s. Baroda Carbide. This plot was then purchased by M/s. Delta Industries from M/s. Baroda Carbide on 27.8.90 and payment was made by taking a loan from Bank of Baroda. As M/s. Delta Industries could not make the loan payment, Bank of Baroda took the charge of the same land and subsequently sold to M/s. Komal Industries in a public auction to recover the loan amount. M/s. Komal Industries at the time of purchase, completed all the formalities and cleared arrears of the erstwhile GEB amounting to Rs.40,000/- through Lok Adalat. As such, there was no dues or charge thereafter standing on the Plot bearing No.525/A/P and in sequel, no charge or arrears stand with M/s. Delta Industries or M/s. Komal Industries.

Looking to the past records, following facts emerged:

M/s. Baroda Carbide had an electric connection from erstwhile GEB and the connection was permanently disconnected (PDC) in May 1992 for non-payment of arrears. The erstwhile GEB also filed two civil suits (Nos 56/92 and 47/94) against M/s. Baroda Carbide for recovery of arrears amounting to Rs.24,09,875.39 and Rs.5,10,549.45 respectively. The court ruled in favour of GEB and submission (Darkhast) was filed in the Godhra court for recovery of the outstanding dues (with DPC) to the tune of Rs.1,04,19,123.00 for both the cases together.

When the above facts emerged on the scene, a decision had to be taken at a higher level as to who would be liable to pay this arrears standing as charge on the previous owner on the same premises. As per condition 2(j) of the erstwhile GEB, arrears of the previous owner / consumer has to be paid by a new purchaser while seeking connection. As such, the application for new connection could not be handled at the lower level by the s/dn DE as a routine matter. Search and scrutiny of old records and decision at the higher level took some time and this caused delay. It was felt by MGVCL officials that M/s. Komal Industries is not liable to pay the arrears due to M/s. Baroda Carbide which arised after PDC in May 1992 whereas the land was sold out by M/s. Baroda Carbide on 27.8.1990. Whatever arrears were pending with GEB, M/s. Komal Industries had already paid in a Lok Adalat. Consequently, the connection was released to M/s. Komal Industries after a delay of two months. Aggrieved by the delay, the party has asked for compensation worth Rs.3,03,000/- towards Business losses caused by delay in electric supply.

Shri Jayantilal G Rawal partner of M/s. Komal Industries contended that there was undue delay in releasing the connection and consequently, they could not start production on schedule and suffered financial losses. They should be compensated for the loss to the tune of about Rs.3 lacs.

The Respondent Shri S R Pandya, DE MGVCL has contended that the electric connection is already released to the complainant after due process. However, he admitted that there was some delay in releasing the connection. This was due to looking through old records as there were arrears standing on the same premises held by previous owners. After deliberations with concerned authorities, it was held that M/s. Komal Industries had already paid arrears of GEB due to previous owner and he was not liable to pay arrears of GEB with the owner before the previous owner. Soon thereafter, the connection was

released. He further contended that the delay was incidental and not subjective and he regretted.

The Forum Members present at the hearing considered contention of both the parties and perused the records. On looking the records, it appears that justice has been delivered in concluding judicially that M/s. Komal Industries was not liable to pay arrears of GEB with M/s. Baroda Carbide as the party has already paid Rs.40,000/- arrears of GEB with the previous owner M/s. Delta Industries in a Lok Adalat after purchasing the land from Bank of Baroda in a auction. However, it is obvious that such a decision takes its own time as required for consultation with competent authority. It is unfortunate and regretted by the Respondent. The complainant was given to understand the causes for delay and he expressed satisfaction to the explanation rendered by the respondent. As such he has not pressed for pursuing request for compensation.

In view of the above discussion, the Forum is of the opinion that the complainant is satisfied with the causes for delay in releasing the connection. Therefore, his complaint for compensation be withheld.

O R D E R

The Forum directs the Madhya Gujarat Vij Co Limited to withhold the application of M/s. Komal Industries seeking compensation for the delay in release of connection as he has expressed satisfaction to the causes of delay.

P L Mistry
Convener

K R Shah
Member

Dr R C Desai
Independent Member

S A Pota
Chairman