

**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-III-104-2013.14
Complainant	Smt Komalben Shaileshbhai Patel & Pankajbhai Manibhai Patel, at Nur Talavdi, Petlad, Tal & Dist : Anand
Respondent	Shri J J Patel, Deputy Engineer, Petlad Town (Town) s/dn of MGVCL.
Date of hearing	29.11.2013 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara

The complaint dated 12.11.2013 regarding to disconnect residence vij connection on temporary basis.

On 29.11.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Pankajbhai M Patel appeared on behalf Komalben Shaileshbhai Patel whereas Shri J J Patel, Deputy Engineer, Petlad Town (Town) s/dn 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.01101 / 00923 / 3
2. Complainant Komalben Shaileshbhai Patel has purchased the property (house) with the vij connection on 23.01.2012 from Shri Hirenbhai K Patel which is situated at B/9 Aashray Tenament at Petlad. Complainant had applied for disconnecting the existing vij connection on 31.10.2013 on temporary basis. But Shri Vijaybhai V Patel has filed objection application so MGVCL has not disconnected the vij connection.

The representative of the complainant contended that Smt Komalben has purchased property from Shri Hirenbhai Kanubhai Patel. At the time of purchase, it was told by Shri Hirenbhai K Patel that she will get vacant possession of house. In the sale-deed it is written that there is no tenant in the house property. It came to her knowledge that Shri Vijaybhai V Patel is residing in the house and refused to vacant. Now, she wants to disconnect vij connection of her purchased property on temporary basis.

The respondent Shri J J Patel contended that the vij connection is already transferred on the name of Smt Komalben & as per her application, the staff of

the office was sent to disconnect vij connection of said property on dated 2.11.2013. But the person who is residing in the property has taken objection to disconnect connection as he is tenant in the property. He has also stated that he has filed suit No.50/12 in the Court of Junior Civil Judge at Petlad and submitted related documents. All the documents submitted by Shri Vijaybhai V Patel are submitted to Forum.

The Forum Members present at the hearing considered contention of both the parties and perused the records. The present occupier of the property, Shri Vijaybhai V Patel is residing in the property and he has filed civil suit in civil court as tenant, Shri Hirenbbhai who has sold the property to Smt Komalben whereas Shri Vijaybhai is a witness in the sale deed. Now, the owner is Smt Komalben & vij connection released in the year 2006 is now transferred on the name of Smt Komalben but as the matter is subjudiced, it is out of the purview of the forum.

In view of the above discussion, the Forum is of the opinion that the matter is subjudiced before civil court, vij connection of said property cannot be disconnected.

ORDER

The Forum directs the complainant Komalben Shaileshbbhai Patel & Pankajbbhai Manibhai Patel, at Nur Talavdi, Petlad, Tal & Dist: Anand, that considering subjudiced matter, MGVCCL decision not to disconnect the vij connection of B/9 Aashray Tenament, Petlad, is in order.

(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