

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM

**MADHYA GUJARAT VIJ CO LIMITED  
CORPORATE OFFICE, 5<sup>TH</sup> FLOOR SP VIDYUT BHAVAN,  
RACECOURSE, VADODARA 390 007**

|                 |                                                                                                  |
|-----------------|--------------------------------------------------------------------------------------------------|
| Subject         | Consumer Grievances Complaint<br>No.MG-III-98-2013.14                                            |
| Complainant     | Shri Maganbhai Chhelabhai Bharvad at Near :<br>Bhavani Hotel, Borsad Road, Tarapur, Dist : Anand |
| Respondent      | Shri K M Shah, Deputy Engineer, Tarapur s/dn of<br>MGVCL.                                        |
| Date of hearing | 11.10.2013 & 08.11.2013 at Anand                                                                 |

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

The complaint dated 30.09.2013 regarding to disconnect illegal residence vij connection.

On 11.10.2013 & 08.11.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Maganbhai Chhelabhai Bharvad, appeared himself, whereas Shri K M Shah, Deputy Engineer, Tarapur s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case is as under:

1. The complainant is having land at village Indranaj , Tal: Tarapur, Dist : Anand, Survey No.17/13.
2. The complainant has complained that as per village, Revenue record 7/12 & 8A, his name appeared as owner of land. He has prepared temporary room in that land under his possession but he has not applied electric connection for this room.
3. The MGVCL has released connection in this room without his knowledge. He has not applied for residence vij connection in this temporary room so requested to disconnect this vij connection.

4. Previously, Shri Dilubha Jilubha had applied to MGVCL for lighting connection for room on Survey No.17 /13 on 5.12.2012 but as there was no house on land, the application was cancelled by MGVCL.
5. Subsequently, he has prepared temporary room in his LS No.17 / 13. After construction of this room, Shri Dilubha Jilubha had again applied for residential lighting connection.
6. MGVCL without verifying documents and site gave connection to Shri Dilubha Jilubha at survey No.17/13 on 13.07.2013. It may be given on illegal Aakarni No.13 made by Talati cum Mantri on 05.05.2012.
7. The connection is given on complainant's land without his consent.
8. The complainant has also given objection letter to MGVCL on 17.07.2013 but no action taken by MGVCL.
9. The complainant has requested to the Forum to disconnect the vij connection.

The complainant contended that the land of village Indranaj , LS No.17 /13 is in his name. The connection given to Shri Dilubha Jilubha at his room located in same LS No is illegal. MGVCL has not verified the legal documents. He has not given consent to give electric connection to Shri Dilubha Tilubha, hence MGVCL should disconnect the vij connection from his premises.

The respondent Shri K M Shah, contended that Shri Dilubha Jilubha Rana had applied for residence No.937 at Survey No.17 / 13 near Bharvad Zod. He had also submitted copy of "Aakarni Patrak" signed by Talati of village Indranaj , Tal: Tarapur. Based on this document, single phase lighting connection was released on 13.07.2013 to Shri Dilubha Jilubha Rana. After objection raised by Shri Maganbhai C Bharvad, letter is written to Shri Dilubha Jilubha Rana, regarding connection asked without informing MGVCL for dispute of land and also written to provide documents for LS No.17 / 13 otherwise connections shall be disconnected. In response to MGVCL letter, Shri Dilubha Jilubha Rana, has not submitted any documents as required.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that LS No.17 / 13 is under dispute

between Shri Maganbhai C Bharvad and Shri Dilubha Jilubha Rana. MGVCL Tarapur s/dn has released single phase connection to Shri Dilubha Jilubha Rana, based on “Aakarni Patrak” signed by Talati of village Indranaj , Tal: Tarapur, without verifying other legal documents like ownership of the property.

In the meantime, Forum has received letter from Deputy Engineer Tarapur s/dn informing that Hon’ble Collector has given revised decision where land purchased by Shri Maganbhai C Bharvad is cancelled. As per Hon’ble Collector, Anand order dated 30.10.2013, the sale deed entry for land 17 /13 is cancelled on 28.10.13 which is being claimed as owner by Shri Maganbhai C Bharvad. Considering the order of Hon’ble Collector, Anand, the application to forum by Shri Maganbhai C Bharvad, to disconnect the connection of Shri Dilubha Jilubha Rana is null & void. Further, the matter is also subjudiced in civil court, Anand, vide No.63 / 12 and at Khambhat Court No.3/12 still pending.

### **ORDER**

The complainant Shri Maganbhai Chhelabhai Bharvad at Near : Bhavani Hotel, Borsad Road, Tarapur, Dist : Anand is directed that as per Hon’ble Collector, Anand, order, he is neither owner of land nor consumer of MGVCL for disputed Survey No.17 /13 at village Indranaj. Also, the ownership of the premises is subjudiced. Therefore, hearing of his complaint is not in the purview of Forum. The complaint is set aside and treated as disposed off.

**(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>