

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-81-2013.14
Complainant	Shri Nareshbhai M Patel at 25, Gandhipark Society, OPP: Bank of Baroda, Maneja, Vadodara
Respondent	Shri M S Thakor, Deputy Engineer GIDC Makarpura s/dn of MGVCL.
Date of hearing	25.10.2013 at Vadodara

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

The complaint dated 03.08.2013 regarding PDC residential vij connection.

On 25.10.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Nareshbhai M Patel appeared himself along with his son Shri Hemal N Patel whereas Shri M S Thakor, Deputy Engineer GIDC Makarpura 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. There are 2 number of connections in the same house, one on the name of Shri Nareshbhai M Patel having consumer No.14218 / 00335 /5 and another connection on the name of Shri Ashok A Das having consumer No.14222 / 06225 / 1
2. Shri Nareshbhai M Patel had represented that house is on his name and Shri Ashok A Das is tenant.
3. The applicant has applied for PDC connection of consumer No.14222 / 06225 / 1. He also endorsed the order of the Hon'ble Small Cause Court to vacate the premises owned by Shri Nareshbhai M. Patel and presently occupied by Shri Ashok Das.
4. Requested MGVCL to disconnect the connection of Shri Ashok A Das.

The complainant contended that Shri Ashok A Das is his tenant and not vacating occupation of his house's 2 rooms and for the same he approached the Hon'ble Small Cause Court and the Court has ordered on dated 18-01-2013 to Shri Ashok A Das to vacate it. In line of the order, the applicant has requested to the MGVCL to disconnect the electricity connection given to Shri Ashok A Das.

The respondent contended that the Small Cause Court has neither made party nor ordered to the MGVCL for disconnection of power supply. The consumer Shri Ashok A Das is paying their electricity bills regularly. At the time of releasing the connection to Shri Ashok A Das the then owner of the house had given consent to give connection. Therefore, MGVCL cannot disconnect the connection. However, whenever Shri Ashok A Das vacate the premises as per Hon'ble Small Cause court order to the MGVCL to disconnect the power supply then MGVCL will disconnect it.

The Forum Members present at the hearing considered contention of both the parties and perused the records & observed that connection to Shri Ashok A Das was released on 02.04.1996 whereas Shri Nareshbhai M Patel has purchased the house in the year 1999 from Shri Chandravadan Ramanlal Shah. In the purchase documents, it is clearly mentioned that Shri Ashok A Das is tenant having electrical connection and along with other premises selling the tenant premises along with electrical connections and its dues to Shri Nareshbhai M Patel. Shri Ashok A Das staying in his occupied premises since long and having legal connection as tenant also paying regular energy bills. Therefore, considering the natural justice till he vacates the premises as per the court order, MGVCL cannot be forced to disconnect the power supply.

In view of the above discussion, the Forum is of the opinion that till clear directives to disconnect the power supply from the concerned court or Shri Ashok A Das himself vacate the premises, the electric connection cannot be disconnected.

ORDER

The Forum directs the complainant Shri Nareshbhai M Patel at 25, Gandhipark Society, OPP: Bank of Baroda, Maneja, Vadodara, that the decision taken by the MGVCL not to disconnect the connection to the occupied premises of Shri Ashok A Das is in order.

(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>