

**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-I-14-2013.14
Complainant	Shri Prakash Ravjibhai Patel at Radha Krushna, Vallabh Vidyanagar
Respondent	Shri H L Bhansod, Deputy Engineer of Vallabh Vidyanagar s/dn of MGVCL
Date of hearing	24.05.2013 at Corporate Office, Vadodara

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

The complaint dated 09.05.2013 regarding transfer of Water Works connection to Commercial connection.

On 24.05.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Prakash Ravjibhai Patel appeared himself whereas Shri H L Bhansod, Deputy Engineer of Vallabh Vidyanagar 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 farm house namely “Radhakrushna Farm” in Agriculture land in Survey No.958-959 at Vallabh Vidyanagar.
2. The erstwhile GEB had released 9 KW connection for residential purpose and 5 KW connection for water works purpose.
3. The land is used for loan and flowers etc. and not for any agriculture purpose.
4. They want to convert farm house to party plot.

Complainant Shri Prakash Ravjibhai Patel contended that he has developed the land for farm house and already having two connections one for residential and other for water works purpose. He has never used this land for agriculture purpose. Now he wants to convert this farmhouse to open party plot for

commercial use. He is having tax paid receipt of Panchayat and is paying house tax regularly. Now he wants additional load of 45 KW on water works totaling 50 KW load for commercial purpose. As such he applied for registration on 11.4.2013 at Vallabh Vidyanagar MGVCL office. The Sub D/n has informed that such 3 phase connection can be processed on Non Agriculture (NA) land as per company guideline hence his application cannot be processed. He further informed that he has paid registration fees for NA permission to Anand, Vallabh Vidyanagar, Karamsad Urban Development Authority (AVKUDA) on 25.3.2013, but due to non preparation of Development Plan (DP) and zone area of village, the application is filed by them. Considering his urgent requirement and constraints at the level of AVKUDA, requested to release additional load for Commercial purpose as a special case and whenever AVKUDA authority take up for NA permission, he will submit order copy of NA land to MGVCL.

The respondent contended that complainant is having two three phase connections in his farm where additional load demanded. One having load of 9 KW for residential purpose and other connection with load of 5 KW for water works purpose both connection were released in the year 1992. The complainant has asked for additional load of 45 KW on water works load of 5 KW totaling 50 KW load for use of commercial purpose in his farm house. The existing connection is already given from Urban feeder passing through his farm from Jod S/s. As per present policy, single phase up to 3 KW can only be released from Agriculture Dominant feeder for farm house. As per GUVNL Circular No. 2317 dtd.21.09.2012 endorsed by MGVCL on 25.9.2012 and MGVCL Circular No.904 dtd.25.02.2013, such commercial connections cannot be released in Ag land. As such complainant application was cancelled and not processed.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that as per present policy of MGVCL such commercial connection falling under LTMD tariff structure cannot be processed on Agriculture land. The complainant is already having 3 phase 9 KW connection for residential purpose and three phase 5 KW for W/W purpose since 1992. The location of farm house is adjacent to urban area and on road side of

Vadtal Anand road. He has already registered his application at AVKUDA for permission to convert agricultural land into non-agricultural. In response to his application, Prant Adhikari, Anand vide his letter No.AVKUDA:Vasi:79 dated 02.04.2013, has informed to complainant that due to non-preparation of DP plan, zoning area is not decided. Hence, complainant's application is filed by their office and would be reconsidered only after preparation of DP plan.

The complainant is already having three phase connection for the purpose of farm house and that too power supply from urban feeder. The Forum has deliberated the issue and observed that by releasing additional load, it may not require additional line to lay so should not be insisted to present NA permission considering a Stop Gap Arrangement till the permission is granted by the concern authority. If not, then MGVCL should have written to disconnect and / or convert supply to suitable feeder as per prevailing rules at that time. The complainant should give undertaking accordingly.

Chief Engineer (T&O) MGVCL vide his letter No.MGVCL: RA&C:HT: SE:Industrial connection: 705 dated 06.06.2013 has specifically put emphasis on releasing connection / industrial connection expeditiously to circumvent the problem of surplus power in the State. Even this directive has put specific remark on not insisting for NA permission in case of industrial connection etc and paves the way for early release of connections in order to derive competitive rates for needy consumers.

Under these circumstances, his application for commercial connection can be processed subject to taking undertaking on Rs.100/ stamp paper for submission of NA permission within 3 months from the start of NA procedure by AVKUDA. Also, undertaking to be obtained from the complainant that he will never use the connection for agricultural purpose. Otherwise, same would be liable for disconnection without any intimation.

The Forum is of the opinion that additional load asked by the complainant can be released under LTMD tariff.

ORDER

The Forum directs the Deputy Engineer (O&M) of VVnagar of Madhya Gujarat Vij Co Limited to release additional load of 45 KW as Stop Gap Arrangement to Shri Prakash Ravjibhai Patel at Radha Krushna, Vallabh Vidyanagar by by taking undertaking from him on Rs.100/ stamp paper for submission of NA permission within 3 months from the start of NA procedure by AVKUDA and that he will not use the connection for agricultural purpose.

The Forum also directs the Deputy Engineer (O&M) Madhya Gujarat Vij Company Limited, Vallabh Vidhyanagar, to process for an approval from Corporate Office. MGVCCL, Vadodara to release load under Stop Gap Arrangement & LTMD tariff.

(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>