

**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-IV-28-2019-20
Complainant	Shri Dineshbhai K Patni, Laxmi Timber Mart, Near Vijay Saw Mill, Dabhoi Road, Vadodara
Respondent	Shri H M Prajapati, Deputy Engineer, Wadi s/dn of Baroda City Circle, Vadodara.
Date of hearing	09.06.2020 at Corporate Office, Vadodara (No Hearing in April & May due lockdown upto 31/05/2020)

QUORUM	NAME
Chairperson	Smt Mala Y Shah, Ahmedabad
Independent Member	Mr A G Shaikh, Nadiad
Technical Member	Shri M T Sangada, (RA&C) MGVCL Vadodara

The complaint dated NIL recd on 16.03.2020 regarding estimate given for addl load for his industrial connection in Ag land.

1.0 On 09.06.2020 (No Hearing in April & May due to lockdown upto 31/05/2020), the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Dineshbhai K Patni, appeared himself whereas Shri H M Prajapati, Deputy Engineer, Wadi s/dn of Baroda City Circle, appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard

2.0 The brief history of the case is as under:

2.1 Complainant Shri Dineshbhai K Patni is having LTMD connection bearing consumer No.14401/53329/1 of contract demand 28 KW situated at RS No.296, Plot No.4 & 5, Near Vijay Saw Mill, Dabhoi Road, Vadodara.

2.2 Consumer had applied for additional load of 42 KW on 31.12.2019 with relevant documents.

2.3 The said connection is in agricultural land.

2.4 After necessary procedure for approval, estimate amounting to Rs.8,46,023/- was issued on 20.02.2020 in which cost of proposed new line and transformer were considered (11 KV ABC on 11 Meter RSJ pole- 130 metres, 3 Phase 4 wire LT ABC 130 metres, transformer 100 KVA).

2.5 Aggrieved by huge amount of estimate (specifically recovery of line charge and transformer charge) consumer approached to CRC of Baroda city circle, vide his application dated 26.02.2020.

2.6 Hearing was carried out by S.E. (City) Vadodara on dated 07.03.2020 and order vide letter No.BCC/Tech/CRC/2020/1367 dated 11.03.2020 stating



that as per prevailing norms, the land in which connection exists is ag land and hence estimate issued of Rs.8,46,023/- is in order.

2.7 Aggrieved by order of CRC, S E (City) Vadodara, consumer appealed to CGRF MGVCL vide his application dated 16.03.2020 for natural justice and to consider his request for not to recover line charge / transformer charge.

3.0 The representative of the complainant contended that -

3.1 Previously, the said connection was taken for his saw mill (M/s. Laxmi Timber Mart) on dated 03.04.2002 for 14 KW. Subsequently, additional load was also asked for another 14 KW on dated 17.10.2002.

3.2 Since 17.10.2002, he is using 28 KW load.

3.3 He had applied for 42 KW additional load on dated 31.12.2019 at Wadi s/dn of Baroda City Circle (BCC).

3.4 Estimate of Rs.8,46,023/- was received in which line charge & transformer charge was also included. The details of estimate is as under:

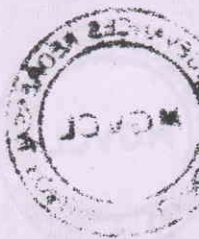
• Actual Exp (Line / TC charge)	Rs.4,56,101.00
• Security Deposit	Rs.1,94,811.00
• Enhanced S D	Rs.1,94,811.00
• Agreement fee	Rs.0,00,300.00
• Total amount	Rs.8,46,023.00

3.5 As the said land is falls under area of VMSS, declared as residential zone R-I, non-obnoxious industrial zone and local commercial zone by VUDA and he is also paying commercial tax to VMSS, Vadodara for the said land having Census No.03-14-058-000-109-021, the line and transformer charges should not be considered as per GERC norms.

4.0 The respondent contended that -

4.1 Copy of 7/12 Utara submitted by the complainant at the time of registration of additional load of 42 KW is having ag status.

4.2 As per THARAV of GoG dated 24.01.2017 & subsequent GUVNL circular No.2719 dated 30.01.2017 and letter No.1005 dated 01.09.2017 that if any industrial connection asked in ag land, from 24 hours power supply feeder then consumer has to pay actual expenditure incurred for extension / erection of infrastructure. The content of said circulars are as shown below:



ગામતળ બહાર વિવિધ હેતુ માટે વીજ જોડાણો આપવાની સર્વગ્રાહી નીતિ અમલમાં મુકવા બાબત .

ગુજરાત સરકાર

ઉર્જા અને પેટ્રોકેમિકલ્સ વિભાગ

ઠરાવ ક્રમાંક - ૨૦૧૬-૫૩૮૮-ક૧

સચિવાલય, ગાંધીનગર

તારીખ - ૨૪/૦૧/૨૦૧૭

(૪) ખેતી વિષયક અથવા અન્ય હેતુ માટેની જમીનમાં ઔદ્યોગિક, વાણિજ્ય, એગ્રો ઇન્ડસ્ટ્રીઝના વીજ કનેક્શનો માટેની ૨૪ કલાકના ફીડર પરથી વીજ કનેક્શન આપવાની સર્વગ્રાહીનીતિ

(૧) આવા કનેક્શનો માટે નીચે પ્રમાણેના ધારાધોરણો છે.

(૩) ૬ કિ.વો. કરતાં વધુ વીજમાંગ હોય અને અરજદાર સતત વીજ પુરવઠો મેળવવા ઇચ્છતો હોય તો થ્રી ફેઝ વીજ જોડાણો નજીકના જેજીવાય / અર્બન ફીડર પરથી વાસ્તવિક ખર્ચ વસુલીને લાગુ પડતા ટેરીફ આધારે રહેશે .

4.3 The estimate is issued as per above mentioned guidelines.

5.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that letter No.2545 dated 20.09.2017 issued by Chief Engineer (T&O) MGVCL on the basis of THARAV of GoG Gandhinagar dated 23.08.2017. Party is required to be issued estimate as per fixed charges for his new power demand outside gamtal area in NA land.

This issue has also been reviewed in detail and THARAV of GoG EPD Gandhinagar No.GUV-2016-3885-K1 dated 24.01.2017

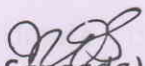
3. Policy for giving 24 hours electric connection to Ashram Shala, Adarsh Nivas etc units owned by the State / Central government any institute in Agricultural land.
4. Policy for giving 24 hours electric connection to industrial, commercial, Agro industries in agricultural land and or land of any other purpose.
5. Policy for giving 24 hours electric connection to Poultry Farm, cattle shed, Fisheries Farm, cow shed, tobacco crushers, Mobile tower, Milk chilling plant etc all government activity.

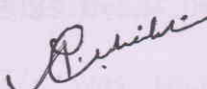


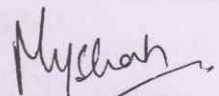
Hence, as per the GoG Tharav dated 23.08.2017 followed by GUVNL circular dated 01.09.2017, it is directed that, for the above condition 3,4 & 5 irrespective of the situation of the premises of applicant i.e. in gamtal or outside gamtal if the demand is made for category as stated in Sr No.3, 4 & 5 above, If for the above condition No. 3,4, & 5 is agricultural land then, recovery of estimate for giving him 24 hours power supply should be actual as per work involved.

ORDER

6.0 The Forum has come to the conclusion that complainant Shri Dineshbhai K Patni, M/s. Laxmi Timber Mart, Near Vijay Saw Mill, Dabhoi Road, Vadodara, has to pay line charges and transformer charges as the connection is in ag land and estimate is by respondent MGVL of Wadi s/dn issued is in order as per prevailing norms.


(M T Sangada)
Technical Member


(A G Shaikh)
Independent Member


(Smt Mala Y Shah)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. **The Office address of the Ombudsman is : The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.**

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

