

**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-61-2014.15
Complainant	Shri Shanaji Fataji Zala, At & Post : Bhutiya Tal: Kapadwanj, Dist : Kheda
Respondent	Shri R.M.Patel D.E. Kapadwanj (REC) s/dn MGVCL
Date of hearing	19.09.2014 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 04.09.2014 regarding to give AG connection in dark zone scheme.

On 19.09.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Complainant Shri Juvansinh Fatasinh Zala son of Shanaji Fataji Zala appeared on his behalf in the forum where as Shri R.M.Patel Deputy Engineer of Kapadwanj(REC)s/dn on dtd.19.09.2014 before the Forum.

The brief details of the case are:

1. Complainant has registered his application for new Ag connection of 10 HP on dtd.01.05.1993 in L.S.No.217 at village Bhutia.
2. D.E. (Kapadwanj) REC has written letter to party regarding submission of fresh documents for S.No.217 vide L.No.2648 dtd.16.05.2012.
3. On dtd.12.06.2012 survey was carried out but same was carried out in L.S.No.164/4 instead of LS no.217 as per site shown by complainant. There is already one existing connection in L.S.No.217.

4. In year 1997, Fatasinh R Zala has got shifted AG connection in L.S.No.217 whose consumer no.02035/01012/8.
5. Reminder for fresh documents was made on dtd.26.06.2012 by MGVCL.
6. Then after party has registered his application for getting AG connection in LS.No.164/4 on dtd.05.10.2012 under Option-B.
7. His application was cancelled by concern D.E. vide L. No.KRC/Tech/2859 dtd.08.08.2014 showing the reason of cancelation for existing connection in L.S.No.217.
8. Bhutia village is approx.35 KM away from Kapadwanj office and it is difficult to visit MGVCL office for providing documents.
9. To have a AG connection in dark zone area it is mandatory to adopt drip irrigation system. Therefore complainant has already installed sprinkler system in L.S.No.164/4.

The complainant contended that he has registered his application for having AG connection under dark zone scheme on dtd.01.05.1993 in L.S.No.217 at village Bhutia. He could not get connection till 2012. But after that dark zone ban was relaxed. D.E. Kapadwanj (REC) has written letter to them regarding submission of fresh documents for S.No.217 vide L.No.2648 dtd.16.05.2012. Subsequently on dtd.12.06.2012 survey was carried out. His grandfather Fatehsinh R. Zala has got shifted AG connection from another LS No to L.S.No.217 whose consumer no.02035/01012/8. Letter from MGVCL dtd.08.08.2014 received regarding cancellation of his AG application as existing connection in S.No.217. Thenafter, then after he applied for change of LS No from 217 to 164/4 & change of name on dated 05.10.2012. The application registered under Option-B. Our application was cancelled by MGVCL vide

L.No.KRC/Tech/2859 dtd.08.08.2014. To have a AG connection in dark zone area, it mandatory to adopt drip irrigation system. Therefore, he has installed sprinkler system in L.S.No.164/4. As he had registered application without detailed knowledge of option-A or B, there are chances of registering wrong option. Hence, requested the Forum to give justice.

The respondent Shri R.M.Patel contended that complainant has registered for new AG conn of 10 HP in LS No:217 of Vill: Bhutiya, on Dt:01.05.93 , bearing GP No:95/1993. The Govt Of Gujarat had declared Kapadvanj taluka as Dark Zone & all Registered AG application between 1992 TO 2003 not processed till 2012 as a policy matter. In the Year 2012 (April,2012), Govt had relaxed new ag connection process in the Dark Zone & processing of all such pending applications started. Fresh Documents were asked from the said Applicant by Kapadvanj (R) office vide KWR/Tech/AG DZ/2648 Dt 16.05.2012, along with drip irrigation consent. About 1200 AG applications were pending & notice were served to submit fresh documents. The application of Shri Zala was surveyed on 12.06.2012. The site verified by Shri S G Saiyed, Jr Engineer-DO-Petlad. The content of Site Survey report states that legal heir wants to change the LS No & confirmed no bore well exists in new L.S. number. Shri Saiyed had neither mentioned LS number in his site report nor visited old LS No.217. Three month notice issued for preparing the bore well in demanded LS No.164/4 vide KRC/229/26.06.2012. Applicant had produced all relevant documents including change in LS No (217 To 164/4)& Change of Name. (Fatabhai Ranchhodbhai Zala to Shanabhai Fatabhai zala) on Dt.05/10/2012.This application Registered in "Vikalp-B" bearing GP No:B/6. This application could be processed in Old dark zone, but due to heavy rush of Farmers for registering their applications between 16/9/2012 To 15/10/2012 under different category such as Vikalp-A,B,C,D. The site could not verify in time. The site had been verified on 10/5/2013 for LS no.164/4 wherein bore well found exists & no ag connection exists Chatur Disha checked. As the said registered application not fulfilling the criteria of "Vikalp-B", a letter issued vide letter no. KRC/1677 dtd.30.07.13 for clarification.

Applicant had replied on 07.08.2013, regarding no AG conn in LS No164/4.Change of circumstances proposal sent to division office vide: L.No.KWR/DZ/6564/21.11.2013. Site verification of Both the LS No asked by Division Office vide letter No.MHD/11213/ dated 05.12.2013. So again, site verified on 13/02/2014 for LS No.217 where AG connection found exists having consumer No.02035/01012/8 which is released in 1997. Replied to DO vide letter no.KWR/2738 dated 21.04.2014. Again query raised vide: L.No.MHD/ 4002dtd.08.5.2014 regarding proforma for Vikalp-A.& replied vide KWR/3840 dtd.14.05.2014. Further clarification given vide KPJ/REC/2457/ 08.07.2014. Change of circumstances proposal forwarded at Circle Office vide Division Office letter No. MHD/6244 dtd 14.07.2014. Corp Office vide letter No.MGVCL:483 Dt 01.08.2014 clarified that change in category from Vikalp-B to Vikalp-A cannot be entertained. As per CO letter No.NDC/4117/05.08.2014 all 04 nos of such type of applications of Vikalp-B cannot be processed as per directive of corporate office Letter. Application were cancelled vide letter No.KRC/2859 dtd.8.8.14, as per circle office Letter & Corp office directive.

The Forum Members present at the hearing considered contention of both parties in the case and perused the records and observed that complainant has already one AG connection in L.S.No.217 since 1997. As per the government directive those applicant who is having connection in proposed L.S.No then applicant willingly demand new connection in his own land the option can be considered. Looking to the present situation complainant has demanded new AG connection in L.S.No.164/4 may be processed as per prevailing rules.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to process for giving AG connection to the complainant Shri Shanaji Fataji Zala, At & Post : Bhutiya

Tal: Kapadwanj, Dist : Kheda in L.S.No.164/4 as per prevailing rules.

(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>