

**BEFORE THE CONSUMER GRIEVANCES REDRESSALFORUM
MADHYA GUJARAT VIJ COLIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-III-73-2014.15
Complainant	Shri Shankar Lal Kumhar, 403, Silver Coin Apartment, Makarpura Road, Vadodara. (A resident of Silver Coin Apartment)
Respondent	Smt. Alpa Sheth, Deputy Engineer and B.D. Patel, Jr. Engineer of Lal Bag sub-division, Vadodara.
Date of hearing	17.10.2014 and 07.11.2014 at conference room, MGVCCL, Vadodara.

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri A G Shah, MGVCCL

The complaint dated 08.10.2014 regarding appeal for disconnection of unauthorized electric connection to Mobile Towers on Silver Coin Apartment.

On 17.10.2014 and 07.11.2014, the case of the Complainant's Grievance was heard before Consumer Grievance Redressal Forum. On 17.10.2014 the complainant was absent. On 07.11.2014, the complainant himself and the respondent Smt. Alpa Sheth on behalf of MGVCCL appeared before the Forum. Both the parties were heard.

The brief details of the complaint are:

1. The complainant Shri Shankar Lal Kumhar is a Treasurer of "Silver Coin Maintenance Owners Association, Opp. Bhavans School, Makarpura Road, Vadodara.
2. There are about 3 to 4 mobile towers on Silver Coin Apartment without permission of Municipal Corporation.
3. The Silvercoin Owners' Association had complained on 21.08.2014 to office of Madhya Gujarat Vij Company, Lalbaug for disconnection of electric supply to all unauthorized towers.
4. The association had submitted letter dated 23.09.2014 to MGVCCL, Lalbaug office with copy of letter of Vadodara Municipal Corporation dated 11.09.2014 addressed to M/s Indus Towers Limited, Ahmedabad in which directed to remove the tower as no permission taken to erect the tower. Again letter written to Managing Director MGVCCL, Vadodara on 27.09.2014. No action taken till date.

5. Referring to the CGRF order dated 24.12.2010 in a similar case of Vipulbhai B Shah prayed to direct MGVCL to disconnect electric supply to these towers in view of the order of VMC and objection from residents of the apartment.
6. At the time of hearing, the complainant had submitted letter No. 176 dated 07.11.2014 to the Forum. Brief additional details are:
 - a. Though the time limit given by VMC is over, no action taken by the Indus Towers so again matter referred to them.
 - b. The electric supply given to these towers is in violation of Regulation 21.11(1)(a), 21.11(1)(c)(i & ii) of the General Development Control Regulations, 2006.
 - c. It is violation of Regulation 4.1.3 of GERC which reads as “An applicant, who is not owner of the Premises he occupies, shall, produce proof of his being in lawful occupation of the Premises. He shall, if so required by the Distribution Licensee, execute an indemnity bond prescribed by the Distribution Licensee to indemnify the Distribution Licensee against losses on account of disputes that may arise out of effecting service connection to him.”
 - d. The applicant is not a lawful owner of the premises in the absence of the required permission from the local authorities and NOC of residents.
 - e. Due to 4 mobile towers installed on the building are illegal and without verifying the structural stability and strength of the building. The condition of the apartment is deteriorating day by day.

The complainant contended that there are Mobile Towers of different companies on the terrace of their Silver Coin Apartment. No permission of its residents was taken by any agency. They have made complain to VSSNL and in response to that a notice was issued to Indus Towers to dismantle their tower but till day no action taken so they have again referred to VSSNL to take suitable action. As it is unsafe for the building and to its residents in terms of stability and emission of radio waves, requested to the forum to direct MGVCL to disconnect the electric supply so that the mobile towers authorities may shift their structure elsewhere.

The respondent contended that there are three mobile tower connections released on Silver Coin Apartment as under:

Sr. No.	Name of Consumer	Consumer No.	Date of release
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1	Bharti Cellular	14106/10465/2	08.05.2002
2	Reliance Infocom Cellular	14106/10992/2	01.04.2004
3	Tata Teleservices	14106/11796/7	19.04.2008

All relevant documents had been taken as per rules at the time of release of connections. NOC of the residents duly signed was also taken before release of last connection to TATA Teleservices. The electric meter installed at the ground floor and load side wiring up to the terrace was done by the users. All connections released are complying GERC regulations. No dues to MGVL are pending to be recovered from any of the said tower connections. He submitted a copy of mobile tower installation permission used by VMSS for 30 locations which includes the present premises at sr.no.4 addressed to M/s Bharti Cellular Ltd, Vadodara dated 24.07.2003. However a letter dated 15.10.2014 written by RPAD to all mobile tower owners in reference to the complaint and asked to submit related documents of approvals of concern authorities.

The respondent has further informed that as far as strength of the building is concerned, as soon as VMSS authority issues an order to MGVL to disconnect connection to facilitate to remove towers, the supply to the towers shall be disconnected. It is also informed to the complainant vide letter MGVL/DE(T-2) dated 08.10.2014.

The Forum Members present at the hearing considered contention of both the parties and perused the record and observed that all vij connections are released before two years back and till then no complain regarding illegal vij connection received by MGVL or Forum so as per GERC's Consumer Grievances Redressal Forum regulations it is not falling under the purview of this Forum. The first complain to the MGVL authority and to this Forum done in August 2014 and October 2014 respectively which is after about 6 years of last connection released.

Regarding point No.5 of above brief details, CGRF order was reviewed and reviewed order was issued on dated 03.08.2012 and ordered not to disconnect the connection.

Regarding point No.6 of brief details "General Development Control Regulations, 2006" is not applicable to electricity supply.

Regarding point No.6-C of brief details, the connections are released during year 2002 to 2008. At the relevant time, the residents of the apartment had given consent for no objection.

In one of the case out of three connections, MGVL has submitted copy collected from VMSS authority for an approval given to construct mobile tower. Also, since connections released, concern consumers are regularly paying energy bills. It is also pertinent to

note that transmission of signals are being received by public in that area, therefore, considering mass public issues vij connections cannot be simply disconnected. The concern authority has to issue disconnection order to MGVCL if they find that mobile towers are unsafe to the apartment building or hazardous to the resident of the apartment.

ORDER

The Forum directs Shri Shankar Lal Kumhar, 403, Silver Coin Apartment, Makarpura Road, Vadodara Ltd that the case of complaint is time barred as per GERC regulations to hear it in the CGRF. The decision that not to disconnect the vij connections of all mobile towers till appropriate authority directs MGVCL is in order. However, considering merit of the case, instead of approaching to the MGVCL for safety related issue, you may approach to the concern authority for stability of building structure as well as hazardous radio waves if so proves who may direct the MGVCL to disconnect the connections in the event of dismantling of towers.

(A G Shah)
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 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

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>