

**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-III-114-2013.14
Complainant	Shri Bhagabhai Jethabhai Patel at & Post : Nirmali Ta : Kapadwanj, Dist: Kheda
Respondent	Shri G S Patel, Deputy Engineer, Kapadwanj Rural s/dn of MGVCL
Date of hearing	20.12.2013 Vadodara

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

The complaint dated 10.12.13 received on 17.12.13 regarding Shifting of PDC connection in other survey number.

On 20.12.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Bhagabhai Jethabhai Patel appeared himself, whereas Shri G S Patel, Deputy Engineer, Kapadwanj Rural s/dn appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. The PDC connection bearing consumer No.02019/1058/5 was in the name of complainant's father Shri Jethabhai Prabhudas Patel.
2. Due to death of his father on 21.08.2001, the land was divided amongst three brothers. Entry of distribution of land in different "KHATA NO" was made at entry no. 6611 in HAKKPATRAK.
3. As there was insufficient water in LS No.624 where agriculture connection exists, he had requested to shift to LS No.626/3.
4. Deputy Engineer Kapadwanj Rural s/dn vide his letter No.KWR / Tech/ 5837 dated 3.10.2013 informed that PDC / RC with shifting from LS No.624 to 626 / 3 paiki cannot be granted due to existence of 10 HP agricultural connection in the name of Jivanbhai Prabhudas Patel in L. S. no. 626/3 (Agricultural con No. 02019 / 00222 / 1)
5. The complainant has informed that on dated 23.05.1996 land was divided and recorded as in Khata No.173, 759 & 172 as per entry no 6122 in the Hakkpatrak No.6. Though L.S. no. is same 626/3, but the connection exist in Khata no. 172 whereas he has applied PDC-RC with shifting at Khata no.173 which is on his name.
6. The complainant requested to approve PDC reconnection alongwith shifting.

The complainant contended that after death of his father Shri Jethabhai Prabhudas Patel on dated 21.05.2001 land was divided amongst three brothers in Khata No.173, 759 & 172 as per entry no 6122 in the Hakkpatrak No.6. Earlier, agricultural connection was in the land survey No.624 which was PDC and required to be shifted with reconnection due to non-availability of water in well of L.S.No. 624. Consent on stamp paper was given by consumer as desired by MGVCL. Name change application by paying Rs.100/ registration is also made in the month of May 2013. The complainant informed

that though L.S. no. is same 626/3, but the existing connection is in Khata no. 172 whereas he has applied PDC-RC with shifting at Khata no.173. The complainant requested to approve PDC reconnection alongwith shifting.

The respondent contended that The PDC connection bearing consumer No.02019/1058/5 was in the name of complainant's father Shri Jethabhai Prabhudas Patel in L.S. no. 624. The complainant had applied for PDC-RC with shifting at L. S. no. 626/3 wherein a connection already exists in the name of Jivanbhai Prabhudasbahi Patel. Hence application was not considered for PDC-RC with shifting.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that though L.S. no. is same 626/3, but the existing connection is in Khata no. 172 whereas he has applied PDC-RC with shifting at Khata no.173. As per the clarification given by Mamlatdar, Mahemdabad "if any farmer or land owner holds the separate khata in L.S. no. then it is to be considered as his separate ownership". It means Khana No.173 of L.S.No. 626/3 is in legal possession of the applicant Shri Bhagabhai Jethabhai Patel.

In view of the above discussion, the Forum is of the opinion that the application of complainant can be considered for PDC-RC with shifting at Khata No. 173 of L. S. no. 626/3.

ORDER

The Forum directs the MGVCL to consider the application of complainant Shri Bhagabhai Jethabhai Patel at & Post : Nirmali Ta : Kapadwanj, Dist: Kheda for PDC-RC with shifting from L. S. no. 624 to Khata No. 173 of L. S. no. 626/3 and process accordingly.

(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>