

**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-126-2013.14
Complainant	Shri Dipakbhai Naginbhai Patel D 241 Devdipnagar, Old Padra Road, Vadodara (site village Sidhrot R S No.311 Dark zone area).
Respondent	Shri S M Godkhindi, Chief Engineer (T&O), Shri N V Thakkar, A C E (CC) of MGVCL Corporate Office Vadodara & Shri Amish Desai Deputy Engineer Koyli s/dn of MGVCL.
Date of hearing	07.02.2014 at Vadodara
Reviewed Application Hearing	07.03.2014 at Vadodara

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

The Forum has directed to MGVCL vide their order dated 21.02.2014 to give connection to the applicant and cancelled the bill issued under flat rate tariff prior to trial run of Micro Irrigation System (MIS). MGVCL has approached the Forum to review the said order vide their letter No.MGVCL:CE(T&O):CGRF:659 dated 01.03.2014. The following points raised by the MGVCL in support of their documents:

1. MGVCL has installed Solar Agricultural Pump Set and commissioned successfully on 18.09.2013, the land is falling under the dark zone area so Shri Dipakbhai Naginbhai Patel was asked to complete process of Drip irrigation (MIS).
2. It was come to the notice of the MGVCL Management that agricultural land in around the urban towns / cities are being developed for residential / commercial purpose and farmers are not carrying out any agricultural operations i.e. farmers are misusing the subsidized agricultural power. The main purpose of giving connection to agricultural land is to promote agricultural operations which are being violated in such cases. Therefore, the field offices are instructed for detailed survey of

such connections and also instructed not to give new connection or disconnect the existing connections wherein agricultural land, agricultural operations are not being made / land is already developed and being used for other purposes.

3. Agricultural land where solar agricultural connection released to Shri D N Patel was visited by officers of MGVCL in presence of representative of consumer. It was observed that consumer was not doing any agricultural operation in the said land. The whole land is developed as lawn garden surrounded by fruit bearing trees (Mangos, Chikku, Lemon etc). No traditional agricultural operations were involved i.e. cultivation of rice, wheat, bajara, cereals, etc. It was also observed that one worker was trimming lawn grass through a machine. The whole area is measuring only 0.22 hectare (i.e. 0.54 acres) which is less than the land holding of a normal marginal farmer.
4. The consumer has demanded for 10 HP connection which is prima-facie not justifiable compared to the land area.
5. The land is situated on the bank of Mahi river, hence, demand of higher 10 HP load raises some doubts regarding irrigation to this agricultural land. It is also noticed that Shri D N Patel has not utilized this land for agricultural purpose since the land purchased in the year 2008 from 7/12 utara, it was noticed that earlier farmer had taken crop "Maize" .
6. A corporate team of MGVCL Vadodara has also observed that there was no agricultural operations with solar pump set so decided not to continue the solar system provided as the proposal is not justifiable. In support of non-agricultural operation, the MGVCL has submitted photographs and video footage of the land to the Forum.

Considering above facts, MGVCL has to suffer huge financial loss for creating infrastructure as consumer will pay only nominal fixed charges. It is requested to the Forum to review its decision.

Shri Mukeshbhai A Patel authorized representative of the complainant Shri D N Patel has submitted letter dated 7.3.2014 to the Forum during the hearing held on 7.3.2014 at Vadodara and discussed it point-wise as under:

- i. Vide corporate office of MGVCL's letter dated 1.3.2014, it is stated that Shri D N Patel is not farming the crops but farming the grass and fruit trees. The land is situated on the banks of Mahi river having slop which requires to level the same for agricultural purpose. He also argued that fruit plantation is also agricultural activity. It is agreed that the use of power other than the connection asked for is considered as illegal but non-use of power cannot be considered as illegal so within one month of release of solar connection, argument for not doing any agricultural farming activity is not proper and disconnection of the connection is illegal. He has also objected for MGVCL's arguments for not having adequate land for the agricultural farming and quantum of load demanded.
- ii. He has asked for circular in support of the same. He said that considering sandy and loose soil water requirement is higher so higher HP motor is required.
- iii. In review letter of MGVCL, it is stated that consumer is only paying the fixed charges whereas MGVCL has to incur huge cost which is not viable. The representative has objected for such a view as it is as per rules of the GERC and informed the Forum to take action against the rules.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that at present the applicant Shri D N Patel is using the boundary of the agricultural land for fruit plantation and remaining part developed as lawn. The lawn cannot protect the washing of land. To protect the land against such washing due to rain, it requires cultivation of grass / dip root plantation. Prior to the year 2008, the farmers using the land for taking the crops of maize as per the Revenue Land Record, 7/12 Utaras. The

said land is purchased by Shri D N Patel in the year 2008 and there is no record of any crop pattern in the government land records. The MGVCL's Senior Officers of the Corporate Office has also visited the said agricultural land and their general observation is that land is not being used for agricultural farming but being developed for future commercial purpose as in the case of surrounding area of that village. The representative of the Shri D N Patel has also confirmed that at present except some fruit plantation agricultural farming is not being done instead the area is covered with lawn.

In view of the above discussion, the Forum is of the opinion to take site visit and it was made on 19.03.2014 afternoon. It is noted that the land developed in such a way that there is no such intension to use it for farming purpose. Very few fruit plantation in back side of the farm and rest area is with soft loan well trimmed surrounded by variety of flower plantation and decorative plants being used so as to use the land of commercial purpose. Hence, though the land is agricultural, it seems that the complainant has developed it for commercial purpose. If intention of the complainant is to use the land for agricultural i.e. farming purpose, he would not have incurred expenditure for developing land for commercial purpose. Therefore, till physical confirmation of the land to utilize its solely for farming activity, the subsidized agricultural connection cannot be given.

ORDER

The Forum directs the complainant Shri Dipakbhai Naginbhai Patel D 241 Devdipnagar, Old Padra Road, Vadodara (site at village Sindhrot, R S No.311 Dark zone area), that action of MGVCL not go give agricultural connection at village Sindhrot, R S No.311 is in order.

(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

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>