

**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-44-2014.15
Complainant	Shri Kanubhai Ambalal Patel, At : Mehmadabad (Jibhai Pole) , Tal: Mehmadabad, Dist : Kheda
Respondent	Shri M M Padhiar, Deputy Engineer, Mehmadabad s/dn of MGVCCL
Date of hearing	14.08.2014 at Vadodara

QUORUM	NAME
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Smt Medha M Marathe, MGVCCL

The complaint dated 05.08.2014 regarding to disconnect Agriculture vij connection.

On 14.08.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Kanubhai Ambalal Patel, appeared himself whereas Shri M M Padhiar, Deputy Engineer, Mehmadabad s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are as under:

1. 7.5 HP agricultural connection was given in Block No.393 of village Sinhuji on dated 13.12.1988 in the name of Shri Ambalal Lallubhai Patel father of Shri Kanubhai A Patel.
2. Shri Ambalal Lallubhai Patel was expired on 8.12.2000.
3. Shri Ambalal Lallubhai Patel had demanded agricultural connection in block no.393 but it was actually existing in block No.391 from last 26 years i.e. from the date of release of power supply.
4. The well was collapsed on 14.02.2011.
5. On dated 28.03.2014, Shri Kanubhai A Patel had requested to make the agricultural connection temporary disconnection & confirmed that

minimum bills for one year period will be paid as per directives given by MGVCCL.

6. Thenafter, given reminder on 09.04.2014 & 15.04.2014. In response to application dated 15.04.2014, Deputy Engineer Mehmabad s/dn had replied to Shri Kanubhai A Patel, vide letter dated 19.04.2014 that connection is given in the name of Shri Ambalal Lallubhai Patel & his legal heir i.e. all the persons (1) Shri Jayantibhai A Patel, (2) Shri Muljibhai A Patel, (3) Shri Kanubhai A Patel (4) Shri Ghanshyambhai A Patel and (5) Shri Vinubhai A Patel had to jointly approached for disconnection of power supply. Shri Muljibhai Patel and Shri Jayantibhai Patel had given objection not to disconnect the agricultural connection existing in the name of Shri Ambalal Lallubhai Patel.
7. MGVCCL had informed that the light bill is being paid regularly so the connection will not be disconnected. Also, there is no provision of temporary disconnection for agricultural connection.
8. At present, the connection is being utilized in block No.392 owned by Shri Niranjanben daughter of Shri Kodabhai Shankarbhai Amin.
9. The line is shifted illegally by Niranjanben without consent of MGVCCL.
10. MGVCCL officers had a visit to investigate the matter as per letter No.SDM/T/3637 dated 17.05.2014.
11. Documentary evidences are submitted to MGVCCL office in support of collapsed well was in block No.391.
12. Test report with undertaking on Rs.100/ stamp paper is submitted for shifted bore.
13. In October 1988, Shri Ishwarbhai Chhaganbhai Patel had raised objection for giving connection in block No.393 as the well was existing in block No.391. Though the connection was released in 1988, without verifying the land documents and ignoring the objection raised by Shri Ishwarbhai Chhaganbhai Patel.
14. The complainant requested to investigate the matter of shifting of connection to block No.392 without consent of co-owner of existing connection in the name of Shri Ambalal L Patel.

The complainant contended that he was not residing in village Sinhuji. He came to know the fact that connection demanded by his father in 1988 was in block No.393 not in block no.391 as per documents submitted under RTI. The collapsed well is in block No.391 & not in block No.393. Now, shifting done by Niranjnaben within 30 metres is also not in same block but in block No.392. He claimed his right & informed that his consent was not taken while shifting the connection. Hence, requested to disconnect the shifted connection.

The respondent contended that from the case file of agricultural consumer Shri Ambalal L Patel, the agricultural connection was released in the year 1988 in block No.393. He further informed that on getting objection from Shri Ishwarbhai Chhaganbhai Patel in the year 1988, the then Deputy Engineer had given 10 days' notice to Shri Ambalal L Patel to submit documents on failure of which connection will be released. Accordingly, in 1988 connection was released as per record in block No.393. MGVCL had considered the documents submitted & site shown by the applicant. Therefore, agricultural connection given in block No.391 where well was existing instead of block No.393 was not known to the MGVCL. Shifting of connection from block no.391 to 392 is made by consumer within 30 metres without shifting point of supply.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that connection given in block No.393 as per the documents submitted. If well is existing in block No.391 instead of 393 then it is the case of fraud. Further, if shifting of well is in other block number than the existing block, then it is also a case of fraud. MGVCL should take action as per the norms in case of shifting of well in another block number due to collapse of old well.

In view of the above discussion, the Forum is of the opinion that the connection given in block no.393 in the year 1988 was released even after objection received for wrong block number. However, at this stage, the complainant is neither owner of this block No.393 nor there is arrears to disconnect the connection. If the legal heir of the block no.393 where vij connection on the name of late Shri Ambalal L Patel applied for disconnection then MGVCL can process for the same.

ORDER

The Forum directs the complainant Shri Kanubhai Ambalal Patel, At : Mehmabad (Jibhai Pole), Tal: Mehmabad, Dist : Kheda, the action of MGVCL not to disconnect the connection is in order. MGVCL is directed to take action for shifting of well approved as per norms after verification of land documents.

(Medha M Marathe)
Technical Member

(Harsha S Chauhan)
Independent Member

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>