

**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-39-2014.14
Complainant	Shri Prabhatji Babaji Chauhan, Gautamnagar At : Modaj, Tal: Mehmadabad, Dist : Kheda
Respondent	Shri T J Shah, Deputy Engineer, Haldarwas s/dn of MGVCL.
Date of hearing	25.07.2014 at Vadodara

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

The complaint dated 21.07.2014 regarding new agricultural vij connection.

On 25.07.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Prabhatji Babaji Chauhan along with his son Shri Pramodji Prabhatji Chauhan, appeared whereas Shri T J Shah, Deputy Engineer, Haldarwas 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. Original application dated 21.12.1998 for new agricultural vij connection under dark zone for LS No.237 at village Modaj, Tal; Mehmadabad, Dist: Kheda.
2. MGVCL had asked fresh documents vide letter No.1296 dated 03.05.2012 and surveyed on 05.06.2012.
3. As Bore / well was not existing in the said LS number, notice to prepare the bore within two months issued at site on the same day.

There was no response from the applicant, hence, MGVCL had cancelled the application on 05.10.2012. As applicant had not submitted the documents for the preparing bore / well, a notice issued by the MGVCL on 30.09.2013.

4. Government of Gujarat had taken a decision to review such type of cases and given guidance to give atleast 8 months' time to prepare bore. Accordingly, GUVNL had issued circular No.GUVNL/Tech/Dark Zone/79 dated 17.01.2014. Based on this circular, Haldarwas s/dn office had issued notice to the applicant vide RPAD letter No.HLD/Tech/719 dated 19.02.2014 to submit fresh documents within a period of 8 months.
5. The applicant had submitted letter dated 06.05.2014 requesting that under changed circumstances he has prepared bore in LS No.329 instead of original LS No.237 and requested to approve the same.
6. Site was surveyed on 27.05.2014 and MGVCL has recorded that there is no bore in LS No.237. MGVCL s/dn office has informed to the applicant vide letter dated 22.07.2014 that change of LS No. from 237 to LS No.329 is not approved for no valid reason given for change of LS number.
7. The applicant has request to the Forum that he has already incurred the expenditure to prepare bore in LS No.329 as per the check list submitted along with notice dated 19.02.2014 and prayed to give justice.

The complainant and his son Shri Pramodji P Chauhan contended that due to poor financial condition he could not prepared the bore in initial phase i.e. in the year 2012. However, after receiving letter that cancelled application are being reopen provided adoption of drip irrigation system and to submit all the relevant fresh documents within 8 months. Again, due to poor financial condition, he could not prepare the bore again MGVCL letter dated 19.02.2014 received stating that they can get vij connection if required documents can be submitted within a period of 8 months. Therefore, he has managed the finance and prepared bore in LS No.329 because original LS No.237 is less than one acre land and

possibility of less ground water. He understood from the letter given by MGVCL, point No.4 that to adopt Drip Irrigation System atleast 2 acres land is required. Therefore, he has prepared bore in LS No.329 which is bigger than LS No.237.

He also contended that as per check list received by him along with letter dated 19.02.2014, he had opted to prepare bore in new LS No.329 under changed circumstances.

The respondent contended that in initial phase due to non-submission of required documents within specified period, application was cancelled on 30.03.2013. After receiving GUVNL circular No.GUVNL/Tech/Dark Zone/79 dated 17.01.2014 that those farmers who could not prepare bore within specified period and their applications are cancelled are to be reopened and atleast 8 months period to be given to prepare the bore & submit the documents. In response to that applicant has submitted documents vide letter dated 06.05.2014 with a request to give approval for vij connection in LS No.329 instead of his original demand in LS No.237. Applicant has prepared new bore in LS No.329. The competent authority vide letter No.NDC/Tech 2/3470 dated 8.7.2014 had not granted CoC stating the reason that there is no bore prepared in original LS No.237. Accordingly, the applicant is informed that change of LS number for agricultural vij connection is not approved and his application is cancelled. On detailed inquiry, he contended that in near past, such type of new vij connection in another survey number were approved by the authority.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that the applicant has prepared bore as per check list issued by the MGVCL along with letter for reopening the old rejected applications and allowing new applicant to prepare bore within time limit of 8 months. Applicant's understanding for minimum requirement of the land to adopt drip irrigation system is wrong. The contention of the GUVNL circular for minimum requirement of the land is for area of adoption of drip irrigation system i.e. if land is less than 2 acres, 100% drip irrigation system is required otherwise 50% of the land area to cover under drip irrigation system. Therefore, argument to change survey number due to less land in LS No.237 is not proper. However, his understanding to prepare new bore in another LS number

with a condition that no bore / water in original LS number seems as per requirement of the check list. Respondent, in response to the query replied that all required documents are to be submitted after preparation of the bore and accordingly, applicant has submitted documents after preparation of bore in changed circumstances. Procedure for approval are being given for preparation of bore i.e. huge expenses to the farmers may be futile if approval is not granted. Such system is not proper. However, in instant case, applicant has prepared bore as per MGVCL guidelines i.e. check list and submitted required documents so the Forum is of the opinion that the new agricultural vij connection should be given to the applicant.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to process the application for giving vij connection for bore prepared in LS No.329 of village Modaj in respect of complainant Shri Prabhatji Babaji Chauhan, Gautamnagar, At : Modaj, Tal: Mehmabad, Dist: Kheda.

(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>