

**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-116-2013-14
Complainant	Shri Punjabhai Becharbhai Patel, At : Po. Antarsuba Tal. K'wanj Dist. Kheda
Respondent	Shri R M Patel, Deputy Engineer of REC Kapadwanj of MGVCL
Date of hearing	03.01.2014 at Circle Office, Anand

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

The complaint dated 19.12.2013, to give vij connection in Darkzone area.

On 03.01.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Dharmendra Punjabhai Patel son of Shri Punjabhai Patel appeared on behalf of Shri Punjabhai Patel, whereas Shri R M Patel, Deputy Engineer of REC Kapadwanj s/dn of MGVCL appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are:

1. The complainant had applied for new agriculture connection on 17.09.2012 in Survey No.97 Paike and Khata No.117.
2. As per draw of the application his priority number is 99.
3. The applicant has given consent to adopt Micro Irrigation System (MIS).
4. Survey was carried out for further process of application.
5. During Survey, it was noticed that there is already existing connection in the name of Shri Bhikhabhai Ambalal Patel in L.S.No. 97 Paike.
6. The application was cancelled vide letter No. KPJ/REC/2792 dtd. 10.12.2013.

The complainant contended that he had asked for vij connection on 17.09.2012 in Survey No. 97 Paike and Khata No. 117. In past, the LS No. 97 Paike was under joint name. But due to distribution of land in internal family, the land

was distributed consisting of Khata No. 115 & 117. His part (Khata) is 117 of LS 97 Paik. After distribution of land his father had got land of 70 Acre and 98 Sq. Mtr. in L.S.No. 97 Paik under Khata No. 117 where as Shri Bhikhabhai Ambalal Patel has got land of 1 Hq under Khata NO. 115 of L.S.No. 97 Paik. Due to father's death on 01.04.2002, the entry is made under his name as legal heir at L.S.No. 97 P and form NO. 6 Change No. 2915. As there is no connection in the land under his possession and also Khata number is different, the application cancelled by K'wanj Sub Division is injustice to him and against natural justice. Complainant requested to reconsider his application.

The respondent contended that the complainant has registered for new connection on 17.09.2012 in Survey No. 97 P at Aantarsuba (Daniwado) Tal. K'wanj Dist. Kheda. During draw system he got priority No.99. During Survey it was noticed that there is already existing connection in L.S.No. 97P on the name of Shri Bhikhabhai Ambalal Patel. As per circular, another connection cannot be given in same survey number. As such the complainant application was cancelled vide letter No. KPJ/REC/2792 dtd. 10.12.2013.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that in both cases LS No.97P are same but Khata numbers are different. The connections can be given to complainant having same survey number but different Khata number. There is separate legal possession of land having different Khata Number. Accordingly application of Shri Punjabhai Becharbhai Patel should be processed. The existing connection in the name of Shri Bhikhabhai Ambalal Patel is in L.S.No.97P, Khata No. 115. As per clarification given by Mamlatdar if any farmer or land owner holds the separate khata in L.S.number then it is to be considered as his separate ownership. In instant case, the Khata no of a Survey Number are different and having legal possession so considering separate entity vij connection can be given.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to consider the application of Shri Punjabhai Becharbhai Patel At : Aantarsuba (Daniwado) Tal:

Kapadwanj, Dist: Kheda at L S No 97 paiki Khata No.117 and to process accordingly.

(M 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>