

**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-175-2013.14
Complainant	Shri Somabhai Kishorbhai Parmar At : Bhumel Tal: Nadiad, Dist : Kheda
Respondent	Shri S A Kadia, Deputy Engineer of Chaklasi s/dn of MGVCL.
Date of hearing	28.03.2014 & 04.04.2014 at Vadodara

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

The complaint dated 01.02.14 (recd on 26.03.14) regarding agricultural vij connection.

Hearing was arranged on 28.03.2014 by giving telephonic message to the complainant through local sub-division office but complainant did not appear on 04.04.2014. The case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Manubhai Somabhai son of Shri Somabhai Kishorbhai Parmar appeared as complainant whereas Shri S A Kadia, Deputy Engineer of Chaklasi 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. Complainant Shri Somabhai K Parmar had applied for 10 HP agricultural connection in LS No.385 at village Bhumel, Tal: Nadiad on 12.04.2002 and no other agricultural connection in same LS number.

2. Complainant had applied under TATKAL scheme on 16.10.2002 by paying Registration Charges Rs.500/ for 10 HP.
3. Complainant has received estimate amounting to Rs.71403/ under TATKAL scheme which was not paid by him due to self-illness and poor financial position.
4. Complainant has received letter dated 18.01.2014 from sub-division office regarding cancellation of his application registered on 12.04.2002
5. Complainant requested not to cancel his original application as no notice was given by sub-division office for cancellation of his application due to non-payment of estimate under TATKAL scheme.
6. Complainant requested to consider his original application under normal scheme.

The representative of the complainant contended that he had applied for 10 HP agricultural connection in LS No.385 on 12.04.2002. The same application was switch over to TATKAL scheme by paying Rs.500/ as Registration Charges. He had received estimate amounting to Rs.71403/ under TATKAL scheme but same was not paid by him as he himself was sick and due to poor financial position, he was not able to pay the same. Also, he contended that he had received letter of cancellation of his application dated 18.01.2014 after lapse of so many years. He was waiting for estimate under normal scheme for his application registered on 12.04.2002. He had received a letter of cancellation of his application from Chaklasi s/dn office on 18.01.2014 which not fair. He had requested to consider his application dated 12.04.2002 for giving agricultural connection.

The respondent contended that the complainant had opted to switch over to TATKAL scheme on 16.10.2002 by paying registration charges Rs.500/-. As per procedure, estimate amounting to Rs.71403/- was issued to the complainant on 5.12.2002 which was not paid by the complainant. As no payment was received against estimate issued, his application under TATKAL switch over was cancelled. As per norms at that time, complainant had to inform to continue his application dated 12.04.2002 under normal scheme. The application under normal scheme was treated as cancelled as no letter from applicant was received. It is also confirmed that no written cancellation letter is available with sub-division office. He has further informed that on getting application from complainant to reopen his case on 09.05.2013, the case history was forwarded to the corporate office on 05.08.2013. The corporate office had given decision not to reopen the case vide letter dated 27.12.2013. Accordingly, the complainant was informed on 18.01.2014 regarding cancellation of his application dated 12.04.2002.

The Forum Members present at the hearing considered contention of both the parties and perused the records & observed that MGVCL had not informed to the complainant regarding procedure for continuing his application under normal scheme after non-payment of estimate issued under TATKAL scheme. Also, no notice of cancellation of agricultural application to the applicant is given after non-payment of estimate under TATKAL scheme. As such, without giving intimation of cancellation of agricultural application, action taken by respondent is not proper. Non-payment of estimate under TATKAL Scheme, the application opted to switch over to TATKAL can be cancelled but not the original application.

In view of the above discussion, the Forum is of the opinion that the original application should not be cancelled if an estimate under TATKAL scheme at

that point of time is unpaid and should be considered to continue under normal scheme if documents given are as per rules.

O R D E R

The Forum directs the Madhya Gujarat Vij Co Limited to uphold the stand taken to cancel the application and process the same under normal scheme after verification of all fresh documents as per rules in respect of complainant Shri Somabhai Kishorbhai Parmar At : Bhumer, Tal: Nadiad, 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>