

**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-174-2013-14
Complainant	Shri Surendrasinh Jivatsinh Zala, At.& Po. Punadara, Ta. Kapadwanj, Dist. Kheda.
Respondent	Shri R.M.Patel, Deputy Engineer of Kapadwanj (REC) S/dn of MGVCL
Date of hearing	28.03.2014 at Vadodara

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

The complaint received on dated 25-3-2014, regarding not giving Agriculture vij connection under dark zone yojana.

On 28.03.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Surendrasinh Jivatsinh Zala, At.& Po. Punadra, Ta. Kapadwanj, Dist. Kheda appeared himself whereas Shri R.M.Patel, Deputy Engineer of Kapadwanj (REC)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 as under:

1. Late Shri Surendrasinh Surajsinh Zala, the grandfather of complainant had applied for New Agriculture connection on 22.08.1995 L.S.no.141/4 At.& Po. Punadara, Ta. Kapadwanj, Dist. Kheda and his application was registered as GP.NO.65 under dark zone scheme.

2. The complainant had applied for change of Name and land survey no. from 141/4 to 137 at village Punadra as his grandfather are expired.
3. The complainant had given consent on 11/09/2012 for drip irrigation with all documents and also stated that there is no existing agricultural connection in L S No 141/4 and 137.
4. The site survey was carried out by Deputy Engineer Kapadwanj (R) s/dn on dt 27.11.2012. While verification of site there was existing connection on the name of Shri Surendrasinh Surajsinh Zala bearing consumer no. 02055/0104/7 in land survey no. 141/4 which was released on 09/12/1997.
5. The application for new agriculture connection asked by Shri Surendrasinh Jivatsinh Zala in the L.S. no. 141/4 was cancelled in accordance to circular regarding not to give second connection in the same survey number vide s/dn office letter no KWR/DARK ZONE/6128 Dt. 23.10.13.
6. Applicant has requested the Forum to give Agriculture vij connection in land survey no.137 and give proper justice.

The complainant contended that his grandfather had applied for New Agriculture connection on 22.08.1995 in L.S.no.141/4, At.& Po. Punadara, Ta. Kapadwanj, Dist. Kheda and registered his application as GP.NO.65 under dark zone scheme. His grandfather was expired so he had applied for change of Name as well as change of land survey number from 141/4 to 137 at village Punadra. He had given application on 11/09/2012 for Drip irrigation and no agricultural connection exists in LS No.137. The existing connection on the name of Shri Surendrasinh Surajsinh Zala consumer no 02055/0104/7 is in land survey no. 141/4.

MGVCL has cancelled the application vide office letter No.KWR/DARK ZONE/6128 dated 23.10.13. The owner of existing connection is his uncle. At the time of application in 1995, there was no such rules that second connection in same survey number cannot be granted. The MGVCL officer at the time of survey in LS No.137 had asked on date 25.9.2013 to prepare well / bore with certificate of Talati for having sufficient water. Accordingly, he has made bore at the cost of Rs.1,60,000/. Now, at this stage, refusal to give connection is injustice.

The respondent contended that Shri Surendrasinh Jivatsinh Zala's, Grandfather had applied for New Agriculture connection on 22.08.1995 in L.S.no.141/4 At.& Po. Punadra, Ta. Kapadwanj, Dist. Kheda and registered his application as GP.NO.65 under dark zone scheme. Shri Surendrasinh had given application on 11/09/2012 for Drip irrigation and shifting & stated that there is no any existing AG connection in L S No 141/4 and 137. LS No.137 was surveyed & it was found that there was no bore hence issued notice two times 8/07/13 and 25/09/13 with the clear remark that there should not be any existing agricultural connection in LS no.141/4. The site survey was carried out by Deputy Engineer Kapadwanj (R) s/dn on date 27.11.2012. It was found that there was existing connection on the name of Shri Surendrasinh **Surajsinh** Zala bearing consumer no. 02055/0104/7 in land survey no. 141/4 which was released on 09/12/1997. The application for new agriculture connection of Shri Surendrasinh Jivatsinh Zala in the L.S. no. 141/4 was cancelled in accordance to circular no.15 regarding not to give second connection in the same survey number.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that vij connection exist in the name of his grandfather in LS no.141/4 & second connection applied by his grandfather is to be shifted to LS No.137 with change of name.

Complainant had not disclosed the fact of existence of agricultural connection in LS No.141/4 as per clause 5 of MGVCL's letter dated 21.4.2012 and MGVCL had surveyed only LS No.137 where new connection asked to shift from LS no.141/4 and based on that informed to prepare borewell which is wrong. The MGVCL's policy is not to give new vij connection where already vij connection exists. So primary survey of LS No.141/4 is required to decide the eligibility for new connection and while deciding shifting to another survey number, other documents and existing vij connection / existing well / bore exists etc are required.

In view of the above discussion, the Forum is of the opinion that complainant had the fact of existing agricultural connection in LS No.141/4. Further, MGVCL has misguided the complainant by instructing him to prepare the borewell in LS No.137 without verifying his eligibility for new connection in LS No.141/4. As per MGVCL's present policy more than one vij connection in same survey number is not allowed and that condition is not being fulfilled so approval to shift the connection in changed circumstances does not arise. The complainant had made expenditure to prepare borewell based on letter of MGVCL asking to complete formality of borewell in LS No.137. To resolve this issue, it is required to apply afresh for vij connection in LS No.137 in the name of the applicant Shri Surendrasinh Zala.

ORDER

The Forum directs the complainant Shri Surendrasinh Jivatsinh Zala that the decision of cancelling the application for agriculture connection by Madhya Gujarat Vij Co Limited is in order. He may apply a fresh application for LS No.137.

(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>