

**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-I-25-2013.14
Complainant	Shyam Developers, OPP: Elecon Garden, Near Vaibhav Cinema, Bakrol, Anand Road, VVnagar 388120
Respondent	Shri H L Bhalsod, Deputy Engineer, VVnagar s/dn of MGVCCL.
Date of hearing	07.06.2013 Anand Circle Office

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri Y B Sukhadia, MGVCCL

The complaint dated 21.05.2013 regarding line and transformer charges.

On 07.06.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Sandeep J Patel appeared on behalf of Shyam Developers, whereas Shri H L Bhalsod, Deputy Engineer, VVnagar s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are:

1. The complainant is having business of building construction in the name of Shyam Developers and he has constructed "Orchid Skyward".
2. Smt Hiralben H Thakar had applied for 3 phase residential connection.
3. It was surveyed by Deputy Engineer and Junior Engineer on 08.05.2013, during survey, it was noticed that there were 90 nos of residential flats consisting 4 nos of towers constructed in the name of "Orchid Skyward".
4. Deputy Engineer advised Smt Hiralben H Thakar that developer may apply for erection of electrical infrastructure to have systematic network for the total load required for the scheme of 90 nos of residential flats consisting 4 nos of towers constructed in the name of "Orchid Skyward". After directives from the Corporate Office of Madhya Gujarat Vij Company Limited (MGVCCL), the connection was given to Smt Hiralben H Thakar from the existing network by erecting 43 metres 3 phase 4 wire LT line by recovering fixed charges from the complainant.
5. Shri Sandeep J Patel, partner of Shyam Developers had represented that the connection in "Orchid Skyward" shall be released without registration under

infrastructure and without insisting for infrastructure charges and the estimate should be issued on fixed charges basis. He further represented that as per GERC notification No.9 of 2005 chapter 4 and as per GUVNL circular No.GUVNL:Tech:D(T):1067 dated 11.05.2011, connection shall be given either demanded by owner of flats or developers himself on fixed charges basis only.

The complainant contended that he is having business of building construction work and they have constructed 90 nos of residential flats consisting 4 nos of towers constructed in the name of "Orchid Skyward". Also, they have represented that the connection in "Orchid Skyward" shall be released without registration under infrastructure and without insisting for infrastructure charges and estimate should be issued on fixed charges basis. He further represented that as per GERC notification No.9 of 2005 chapter 4 and as per GUVNL circular No.GUVNL:Tech:D(T):1067 dated 11.05.2011, connection shall be given either demanded by owner of flats or developers himself on fixed charges basis only.

The respondent contended that the residential connection demanded by Smt Hiralben H Thakar was situated in the new constructed 90 nos of residential flats consisting 4 nos of towers constructed in the name of "Orchid Skyward". To erect the uniform and systematic network, the complainant Smt Hiralben H Thakar was advised to apply for infrastructure development and hence should pay necessary charges for the same. However after getting clarification from higher authority the connection was given after payment on fixed charges basis by laying 43 metres LT line.

The complainant Shri Sandeep J Patel has constructed 90 nos of residential flats and requested for giving connection after payment of fixed charges only and not infrastructure charges. Shri Sandeep J Patel, is a developer and not going to be a consumer in future. MGVCL does not know when this scheme will be completed and when actual consumer / occupier would start using electricity.

MGVCL is not of sure when they would start getting revenue from the electrical infrastructure being set up for catering power supply to above 90 nos of residential flats. Under the circumstances, MGVCL cannot afford to wait for indefinite time after incurring expenditure of lacs of rupees in building up electric lines and transformer centres. Moreover, GERC regulations provide to give connections on fixed charges basis to individual connection / consumer and for developing the infrastructure for Developer.

Also, it is required to erect uniform electric network of HT/LT lines and transformer centres to give uninterrupted power supply for 90 nos of residential flats consisting 4 nos of towers constructed in the name of "Orchid Skyward" in future. For such well developed infrastructure, if individual consumer comes for electrical connection, MGVCL will lay the line for their demanded load only and the total network of infrastructure will be haphazard and without any planning which will hamper the necessity of uninterrupted and quality power supply to the residents of 90 nos of flats and create unrest for them in future. On other hand, if developer applies for all the connections in 90 nos in his name, there will not be any assurance to MGVCL when the flats will be occupied and when the actual use

of the infrastructure provided by the MGVCL will be done and when MGVCL will get the revenue for the developed infrastructure.

In major schemes, the developers are constructing houses with all modern amenities and providing all required facilities for high standard of living and they expend sizable amount for that. It is not justified for why they insist for saving in money for development of systematic, safe and quality electrical infrastructure with esthetic view.

For providing infrastructure for electric power supply and also for esthetic view of the well developed scheme, a systematic and safe network is required to be erected instead of erecting line as per individual application and different load applied and without any planning in haphazard manner. The developer should pay the charges for such systematic network as they are already collecting charges from the purchaser for development of electric infrastructure. It is not a question of collecting money from such developers by the MGVCL but it is the moto to provide systematic and safe network with esthetic view which is to take care for total estimated load required for the entire scheme and to provide quality and reliable power supply with minimum maintenance required in future. On the other hand, the lines will be erected for individual load demand only, if not applied for infrastructure development.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that as per GERC notification No.9 of 2005 chapter 4 and as per GUVNL circular No.GUVNL:Tech:D(T):1067 dated 11.05.2011, LT connection for residential purpose, only fixed charges to be recovered as per load applied by the applicant. However, in the case of infrastructure development as in instant case of society/group of residential house developed by developer, the circular No.GUVNL/Tech/D(T)/SC/1067 dated 11.5.11 states that *“in case of infrastructure development if developer has asked only for electrification and not for any new connection then full cost of electrification shall be recovered from the developer and charges mentioned above shall be recovered from the subsequent applicants from such developed network. However, in case individual applicants apply for new connection(s) the charges mentioned above shall be recovered and no any charge for electrification be recovered and only electrification to the extent of releasing connection be carried out”*.

It is clear from GERC Notification and Circular for Recovery of Fixed Charges for new residential connection from individual applicant that there is no dispute to give connection to individual applicant if he/she applies. It is also clear that in such case the electrification network capacity limited to that individual loads only.

The Forum also noted that in absence of actual consumer and their individual demand, the utility cannot lay HT/LT infrastructure in advance which is cost

effective and uncertain revenue starting period. On the contrary if developer himself come forward to pay infrastructure charges as per GUVNL circular 11/05/2011, future hardship to the consumers (like erection of pole, overhead line - way leave problems etc) of that area can be minimized and better quality power supply can be catered. The developer may take such factors into consideration for better services to their clients. The utility MGVCL cannot deny to give connection to individual resident-applicant if he/she demand.

In view of the above discussion, the Forum is of the opinion that M/s Shyam Developer can choose options either to give better infrastructure facility at one stroke for electricity supply up to LT network at their own cost and subsequently fixed charges by individual applicant when he/she applies for laying service line & metering unit or individual applicant can apply directly to MGVCL and MGVCL can release line and connection as per load demand.

O R D E R

The Forum directs the Madhya Gujarat Vij Company Limited to implement GUVNL circular No. GUVNL/Tech/D(T)/SC/1067 dated 11.5.11 for residential new electrification and recovery of charges in its true spirit. If an individual applicant applies, recover only fixed charges with electrification to the extent of load demanded.

(Y B Sukhadia)
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>