

**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-07-2014-15
Complainant	Smt. Avniben Sujitbhai Bhayani, 66 Kunj Society, Alkapuri, Vadodara.
Respondent	Shri Amish Desai Dy. Engineer, Koyali Sub Division of MGVCL
Date of hearing	25.04.2014 at Corporate office, Vadodara

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

The complaint dated 11.04.2014 is regarding temporary connection for construction and residential vij connection.

On dated 25.04.2014, the case of the complainant Grievance was heard before Consumer Grievance Redressal Forum where in Shri Sujitbhai J Bhayani and Sujal A Vakil were present on behalf of Smt. Avniben Sujitbhai Bhayani whereas Shri Amish Desai, Dy. Engineer, Koyli Sub Division 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. The complainant Smt. Avniben Sujitbhai Bhayani had purchased land at village Ampad, Tal. Vadodara bearing survey no. 292/paiki 1. The N.A. permission of the said land cannot be obtained as it is in the agriculture zone.
2. The complainant has stated that VUDA has given permission for the development of that land. The map has been approved and construction permission has been given by VUDA. Moreover High Court has recently stated in a decision that if Urban Development authority (UDA) has given permission for development of a land in the agriculture zone then the construction can be carried out on that land and in that case N.A. permission is not required.

3. The complainant had applied for temporary connection for construction and permanent connection for farm house purpose in revenue survey no. 292/paiki 1 at village Ampad with all required documents to Koyali sub-division office on 01-03-2014.
4. The complainant has submitted all documents such as construction permission, map etc with application for farm house connection, inspite of that her application has been cancelled. More over circular issued vide letter no. 326 dated 30-01-2014 and 4363 dated 06-012-2013 illustrates that residential connections can be given in agriculture land. Her application has been cancelled on the basis of circulars 25 and 25A issued by MGVCCL. Are these circulars in line with the notifications of GERC or they are being interpreted the other way?

The complainant contended that he had purchased agricultural land at village Ampad bearing survey no. 292/paiki 1 and applied for temporary connection for construction and permanent connection for farm house with all required documents to Koyali sub-division office on 01-03-2014. The application of the complainant was cancelled by MGVCCL on the basis of circulars 25 and 25A issued by MGVCCL. Complainant has raised a question whether these circulars are in line with the notifications of GERC or they are being interpreted the other way. Complainant further stated that N.A. permission of the said land cannot be obtained as it is in the agriculture zone but VUDA has given permission for the development of that land. The map has been approved and construction permission has been given by VUDA. Moreover High Court has recently ordered in one of such case that if UDA has given permission for development of a land then the construction can be carried out on that land and in that case N.A. permission is not required. Complainant requested to reconsider her application in view of above stated facts and give justice in the matter.

The respondent contended that complainant had applied for temporary connection for construction and permanent connection for farm house in revenue survey no. 292/paiki 1 at village Ampad with all required documents to Koyali sub-division office on 01-03-2014. In agriculture land, vij connection can be given to those who has Ag connection in that land or there is a cluster of atleast 20 connections (MGVCCL circular no. 25). Neither there is any agriculture connection exists in the said land nor cluster of 20 or more numbers of connections. Further on seeking guidance from Corporate Office, Vadodara in the matter, MGVCCL has cancelled application of the complainant in view of MGVCCL circular no. 25 and 25A.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that as per prevailing circular no. 25 residential lighting connection in Ag land is permitted with either of the following conditions:

- If there is agriculture connection in the same survey number where lighting connection is demanded.

- There should be demand of minimum cluster of 20 connections or more.

As per circular no. 25A the connection of the beneficiaries situated in Ag land must fall under “A” category and can be electrified without extension of LT line under Government Schemes as a special case.

As per the provisions contained in Section 29 and Section 117 of Gujarat Town Planning and Urban Development Act 1976, if the development is granted under Section 29(1) of the Act. Section 117 thereof comes into operation and it obliterates requirement of any other permission under any other law.

In view of the above discussion, the Forum is of the opinion that as there is no need of N.A. permission as per Section 29(1) and 117 of the Gujarat Town Planning and Urban Development Act 1976 and as the connection is demanded in the Agriculture zone, the complainant’s application can be processed.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to process the application of Smt. Avniben Sujitbhai Bhayani, 66 Kunj Society, Alkapuri, Vadodara to give the residential connection.

(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>