

**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-31-2013.14
Complainant	Shri Vajabhai Dahyabhai Parmar At : Dholivav (Taiyabpura), Tal: Kapadwanj, Dist: Kheda.
Respondent	Shri G S Patel, Deputy Engineer Kapadwanj® s/dn and Shri R M Patel, Deputy Engineer of REC Kapadwanj of MGVCCL
Date of hearing	21.06.2013 at Corporate Office, Vadodara

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

The complaint dated 11.06.2013, to give vij connection in Darkzone area.

On 21.06.2013, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Vajabhai Dahyabhai Parmar, appeared himself, whereas Shri G S Patel, Deputy Engineer Kapadwanj® s/dn and Shri R M Patel, Deputy Engineer of REC Kapadwanj of MGVCCL 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 had applied for new agriculture connection in the year 1992 in Survey No.159p and Khata No.202.
2. Due to declaration of dark zone area, the application was not processed.
3. In the year 2012, the government allowed to release connection in dark zone area provided the consumer give consent to adopt Micro Irrigation system.
4. Accordingly survey was carried out and proposal was sent to Gujarat Green Revolution Company (GGRC) for further process. After four party agreement (FPA) carried out, the Firm Quotation was issued to complainant for payment of estimate.
5. Another applicant Shri Kanjibhai Salambhai Parmar had also registered his application in the year 1994 at Survey No.159p and Khata No.202 at Village Taiyabpura.

6. As per guideline issued by Circle office dtd.6.8.2012, “ In same LS No. if Khata numbers are different, the same can be considered as separate identity, as such the application of Shri Kanjibhai Salambhai Parmar was processed because though LS No. is same (i.e. 159P), Khata numbers are different. i.e. Khata No.432 is for Shri Vajabhai Dahyabhai Parmar and 435 for Shri Kanjibhai Salambhai Parmar.
7. The survey was carried out for Shri Kanjibhai Salambhai Parmar application also and proposal was sent to Gujarat Green Revolution Company (GGRC) for further process.
8. The GGRC has not registered this application of Shri Kanjibhai Salambhai Parmar as one application has already been processed at LS No.159 p.
9. Shri Kanjibhai Salambhai Parmar has objected for processing application of Shri Vajabhai Dahyabhai Parmar whose application already registered in GGRC but his application objected by GGRC based on same survey number.
10. Considering objection taken by Shri K S Parmar, the sub/dn has not accepted payment of Shri V D Parmar.

The complainant contended that he had asked for vij connection in the year 1992 in Survey No.159p and Khata No.202. Earlier, the LS No. 159p was whole part. But due to distribution of land in internal family, the land was distributed in three part consisting of Khata No.432, 433 & 435. His part (Khata) is 432 of LS 159p, where as other Khata number are 433 and 435. After distribution of land all land are separate and there is no right of Shri Kanjibhai Salambhai Parmar in his land. His connection is already approved and estimate is also issued by Sub D/n. At this stage if payment is not accepted, his expenditure incurred will be wasted. Accordingly, requested to accept the payment and to process his application.

The respondent contended that the complainant has registered for new connection on 02-07-1992 in Survey No.159 p at At : Dholivav (Taiyabpura) Tal: Kapadwanj, Dist: Kheda. Due to relaxation in release of connections in the dark zone area in 2012, the process for release of new agricultural connections was started. As the complainant had given consent for adoption of MIS, survey was carried out and after preparation of Technical sanction was sent to GGRC for further process. After clearance from GGRC, the FQ was issued for making payment.

Another applicant Shri Kanjibhai Salambhai Parmar had also registered his application on 10.02.1994 at Survey No.159p and Khata No.202 at same Village Taiyabpura. As per recent document his survey number is same but Khata number being different his application was also processed as per guideline issued by Circle office dtd.6.8.2012 that “ In same LS No. if Khata numbers are different, the same can be considered as separate identity”.

The objection taken by Shri Kanjibhai Salambhai Parmar whose application was also sent to Gujarat Green Revolution Company(GGRC) for further process. The

GGRC has not registered this application of Shri Kanjibhai Salambhai Parmar on the ground that one application of Shri Vajabhai Parmar is already approved in same land Survey No.159P. GGRC has not considered separate “Khata” in same Survey number. By considering objection of Shri K S Parmar, payment from Shri V D Parmar not accepted.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that LS No.159p is same for both applicants but Khata number are different. The connections can be given to both applicants having same survey number but different Khata number. Accordingly application of Shri Vajabhai Dahyabhai Parmar should be processed and payment should be accepted. As regards to application of Shri Kanjibhai Salambhai Parmar, MGVCCL has no objection and already processed also for registration at GGRC. MGVCCL may write to the GGRC quoting the rule that MGVCCL can release both connections having same survey number but different Khata number.

In instant case, the Khata no of a Survey Number are different. Possessions of land with different Khata number are different and that is sole owner of that land. So considering separate entity vij connection can be given.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited to accept payment of estimate and to process for new agriculture connection to complainant Shri Vajabhai Dahyabhai Parmar At : Dholivav (Taiyabpura), Tal: Kapadwanj, Dist: Kheda at L S No 159 p Khata No.432. Also arrange to convince GGRC to register both applications having same survey number but different Khata number so as to process application of Shri K S Parmar.

(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>