

gjurat iv. t inytk Aayog  
iv. t l okpal , gjurat raJy,  
pol l3enlk kMpa]ND, beke n>E, AabavaDI,  
Amdavad-ÉÐÈÈÉp

Sam9

ke n>ÉpNáÈÈÉp

Arj dar: 7lmtl +vlba pl. Pa3e,  
ÉÉ, Anmol rSIDNsl, kkp roD, Xaahlbag,  
Amdavad-ÉÐÈÈÈÈÌ.

rj Aat krnar: 7l idpkwa[ +. Pa3e, Ai2k& pitin2l  
7l A&.DI.sol kl, iv@van A&vok&.

ivk&2

samava5a n>E : mejer,  
3or& pavr l lml3&,  
Jybll l ha]s, xahpa, Amdavad.

rj Aat krnar: 7l pfluwa[ #Kkr, vl.pl. l lgl ,3or& pavr l l., Amdavad.  
7l haidRwa[ p3va, A&l.j nrl mejer, 3or& pavr l l., Amdavad  
7l iniql wa[ xah, mejer, 3or& pavr l l., Amdavad  
falgal mal vlya, mejer, 3or& pavr l l., Amdavad

samava5a n>E : meixtl [Spat [NDS3Vz pa. l l.,  
ÉÍÐ, gjurat vparl mham&5,  
ignar kMpa]ND pase Ao!v rlgroD  
Ao!v. Amdavad.

rj Aat krnar: 7l ivxal wa[ p3e, iv@van A&vok&.

:: rj Aat ::

É.É. Arj dare 3or& pavr l lml3&, Amdavadna gahk firyad invar` formna frlyad  
n>170/2015 Allvyeta. ÉÎ.ÉÉ.ÉÈÉÍ 4l Apaye ckada4l naraj 4[ Aterj Aat kre  
Oe j erj AatneAa kcelna ke r+S3redaqi kri ke n>ÉpNáÈÈÉp 4l no2e Oe Sadr  
kenl sbav` l ta. ÉÐ.ÉÉ.ÉÈÉÎna roj raqvama>Aavl. samava5a-r @vara sdr  
rj Aatma>j vab rj Ukrvana>kar` osr sdr kenl bl+ sbav` l ta.ÉÉ.ÉÉ.ÉÈÉÎna roj  
raqvama>Aavl.

- r.Ë. sbav` I drllyan Arj darenlcemjub rj Aat krl.
- r.É. Arj dar gjuratl vparl mhamD5, Ao!v qatePl o3 n>356/E 2rave Oe Arj dare samava5anev8RÉÑÐÌ ma>sdr j Gya waDa pæAape Oe Arj darej `ave kev8RÉÑÐÌ ma>k#l al ha[veslgl pæI hovana kar` eroD DeI opmEma>Pl o3 n>356/E AiStIvma>n4I jeAgeArj daregjuratl vparl mhamD5, Ao!vnenkxo rj Ukrl j `ave kePl o3 n>356/E roD kpatma>gya bad mæn roD sa[D Pl o3 n>358 na nkxa mjub samava5a-r newaDeAape Oe
- r.r. gahk frlyad invar` form @vara Arj darnl frlyad moy t/ múa pr r´ krvama>Aave Oej enlcemjub Oe
- ÜÉÝ form @vara gjurat srkarna Akem ]Tar gjurat vlj kþnl I lml3Ðna j da na` a>Pl o3 n> ma>bakl nlk5e0eteAgeko[p` jatnl maihtl kep0pr0 Age samava5a-r 4I ko[ quaso mēvè n4I j @vara sdr múaneformeyanma>I2è n4I.
- ÜÉÝ Arj daresamava5a-r nl sa4ekrè waDa krar mjub Pl o3nl ivgt pñà` e samava5a-É @vara vlj j oDa` no sPl ay po[N3 cal ukrvama>Aave OeteAaxre v8RÉÑÑÌ 4I hyat Oe sdr j GyaAesamava5a-É @vara samava5a-r nenvvæ Ae.3l. vlj j oDa` Aapvama>Aave Oej eAgeArj dar mkan mail knl smit samava5a-r @vara magvama>Aave n4I.
- ÜÉÝ samava5a-É @vara samava5a-r neAapvama>Aave vlj j oDa` no sPl ay po[N3 j bl j GyaAehovana kar` esdr j Gyama>nvvæ Ae.3l. vlj j oDa` Aapvama>Aave Oe præusdr j Gya qreçr vlj vpraxnl j Gya Oekekæ teAgesamava5a-É @vara formma>ko[ quaso krvama>Aave n4I. samava5a-r @vara fkt ÉÍ' x ÊÊ' nl ½mma vlj j oDa` mēvl vlj j oDa` no vprax kya>krvama>Aave0eteformna @yanel avvama>Aave n4I.
- r.Ë. samava5a-É @vara Ae.3l. vlj j oDa` nl j GyaAeAe.3l. vlj j oDa` Aapva Age formnecategory change nl ivgt dxaRvama>Aave Oe samava5a-r @vara Aga] kya kar` osr hyat Ae.3l. vlj j oDa` r´ kravè teAgeko[ quaso krè n4I.
- r.Ì. samava5a-r nenvvæ Ae.3l. vlj j oDa` I æa>phæa>Ae.3l. vlj j oDa` Pl o3 n>358/A ma>Oeto pOI Aa j Pl o3ma>vlj j oDa` samava5a-É @vara Aapvama>Aave Oej ePl o3ma>

- hyat Ae.3l. vlj j oD` no gahk nÆÈÈÈÑÌÈÐÌ Oeje babte samava5a-É @vara ko[ qUaso krvama>Aave n4l.
- r.p. samava5a-r v80Rl Arj dar na waDÀat Oe j 4l krl nesdr Pl o3nl j Gya tAonl mail klnl n4l. samava5a-É Anesamava5a-r bl newga m5lnesdr vlj j oDa` cal u krvani kayRahl krlnegjrat srkarnenkisan krè Oejerj Àat forme@yanma>l2è n4l.
- r.Î. ta.rr.ÈÈ.ÈÈÈÎna roj Arj darepTyψr rj Ukrl nlcemjub rj Àat krl.  
 ÜËÝ Arj daresamava5a @vara rj U krvama>Aave pa4imk va2a babtnl rj Àat Age j `ave keArj darnl rj Àat p84ipt kaydanl j ogva[ mjub ho[ samava5ano va2o keivro2 kaydaky rlteAi2Kè n4l.  
 ÜËÝ samava5a-É na j `ave kaydanl VyaQya babte Arj darne tkrar n4l. Arj darnl sdr rj Àat llyayna is@2a to mjub gjurat srkarnematbr rkmna nkixan ma4l bcavvana Aaxy4l t4a Arj darnekayml 2or` e4ta nkixanne A3kavva krè Oe Arj darnl mail klnl iml ktma>Amo Arj darnl smaitã prvangl vgr v2uvlj war samava5a-r mËvva magta hovana kar` ehal nl frlyad ]´wvè Oe
- r.Ï. samava5a-r sdr Ae.3l. vlj j oDa` na vlj warno ]pyog waDa krar4l paPt iml ktma>nhl>præuArj darnl iml ktntl paOl a wageAave tAonl mail klnl iml ktma>vaprvano mnsbo 2raveOe Arj darnl mail klnl iml kt samava5a-É na hKk Ai2karna ivStarma>Aave0e JyareArj darnl iml ktntl pa05na wageAave iml kt, j esamava5a-r nl mail klnl OeAneteUGVCL na hKk Ai2kar va5a ivStarma>Aave0e samava5a-r @vara wUka5ma>UGVCL ma>matbr rkmna Aai4R go3a5a krvano gUo Aacrè ho[ UGVCL samava5a-r neko[ vlj j oDa` nl sgvD Aapl xket n4l t4l Aa kamna>samava5a-r @vara Arj darnl mail klnl iml ktma>S4ipt Ae.3l. vlj j oDa` ma4l Ae.3l. vlj j oDa` ma>fefar krè j ma>Arj darnl smait keprvangl mËvè n4l.
- r.Ð. samava5a-r @vara Arj darnl mail klnl iml ktma>Arj darnl smaitãprvangl vgr v2u vlj war mËvvana pyÎno krè ho[, sdr Ar+ krvani frj pDè Oeje eAllvyesbi2t VyiKtãkpnlna j vabdar Ai2karl pas4l Sp\*3ta krvama>Aave to saci hikkt j `a[ Aave

**3.0.** Respondent No.1 (TPL) has represented as under.

3.1. The brief of the history of HT service of M/s. Shital Ispat Pvt. Ltd., i.e. Respondent No.2 is as under:

- (a) Original service No. 425266-LTMD was in the name of M/s. Roma Steel Ind. Limited in the year 1983.
- (b) Name changed was done in December,1984 in the name of M/s. Shital Industries in service No. 425266.
- (c) Again change of name was done in the month of April,2000 in the name of M/s. Shital Ispan Pvt. Ltd., with service No.425266. M/s. Shital Ispat Pvt. Ltd., took over the business of proprietary firm as going named and styled as Shital Industries situated at Plot No. 355/E and 356/E, Gujarat Vepari Maha Mandal, Odhav, Ahmedabad.
- (d) In May,2008 conversion from LTMD service to HT service No.8000891 done with extension of load of 300 KW at the same location for M/s. Shital Ispan Pvt. Ltd.  
Extension of load for total 600 KW released in October,2011.  
Reduction of load for total load of 400KW done in the month of June,2014.  
Again reduction of load for total load of 101KW done in October,2014.  
Conversion of existing HT service to LT service for 6 KW for commercial purpose was done on 10.08.2015 at the same location vide service No. 100294084.  
Again on 14.08.2015 M/s. Shital Ispat Pvt. Ltd., had applied for conversion of service from LT of 6 KW to 150 KW HT service at the same location vide HT service No. 100320369.

3.2. Forum had asked to submit the copy of lay out plan mentioning the plot number, which was complied by Appellant on 31.10.2015. Representative of Appellant confirmed that he has a written a plot No.356/E-paiki was incorrect in his rent agreement of the year 1984.

The actual plot number is 358-paiki as per the certified lay out plan submitted on 31.10.2015.

Total plot area is 100' x 100' for plot No.358 out of that area, of 100' x 70' was given on rent to Respondent No.2.

- 3.3. It is also proved as per record and confirmed by Appellant that the rent agreement of the year 1984 wherein the plot Number mentioned as 356-paiki was wrong. The actual plot number is 358. Appellant confirmed that both the parties mutually agreed verbally for use of plot No. 358/A by Respondent No.2 since long.
- 3.4. It is stated that Respondent No.1 has never changed point of supply since the year 1984 for the service of Respondent No.2. Only extension of load or reduction of load and conversion from LT to HT and vice versa took place at the same location as per the load requirement of the customer. As on today the possession of land/premises under question is with the tenant i.e. Respondent No.2 (M/s. Shital Ispan Pvt. Ltd.).
- 3.5. As per the complaint before CGRF by Appellant erection of 11KV cable, Switch Gear and CTPT work was completed. Only metering and energizing work was pending. After the Forum order, HT service was released to Respondent No.2 on 27.11.2015.
- 3.6. On 28.02.2016, rejoinder has been filed by Respondent No.1 (TPL) and submitted preliminary objection as under:
  - (a) The present appeal is liable for dismissal as the said appeal is not maintainable as per Section 1.5(d) Notification No.2 of 2011, Appellant does not fall within the definition of complainant as per Section 1.5(c) of Notification No.2 of 2011. Hence Appellant is not entitled to file any complaint before Forum or any other authorities established under above Regulation.
  - (b) It is stated that under Section 43 of Electricity Act,2003 it is obligated to supply electricity. The legal occupier has a right to demand for supply of electricity at his premises and same has to be provided by the Licensee.

- (c) It is stated from the fact that the for the Service No.425266 load has been increased and decreased but the point of supply was never changed. Moreover change of load was never objected by the owner till 2015.
  - (d) It is submitted that Respondent No.1 has only done conversion of service from LT to HT of Respondent No.2 i.e M/s. Shital Ispat Pvt. Ltd., and the service was already in the working condition since the year 2000. Therefore, objection of Appellant for not providing connection to Respondent No.2 is not valid.
- 3.7. It is stated that there is no any valid ground for the present appeal. Therefore, order passed by CGRF may be treated as in order. Respondent No.1 has acted in accordance with the provision of law. Therefore, the present appeal is liable to be dismissed.
- 4.0.** Respondent No.2 (M/s. Shital Ispat Pvt. Ltd.) has represented as under.
- 4.1. It is stated that appeal filed by Appellant and prayer sought by Appellant in present representation is not maintainable.
  - 4.2. It is stated that application filed by Appellant is nothing but an attempt to harass the Respondent No.2 by making objection against electricity supply.
  - 4.3. Present Appellant has submitted incorrect facts before Forum and mislead the Forum.
  - 4.4. Respondent No.2 is a tenant of Appellant for the Plot No.358 pursuant to the agreement in the year 1984, situated in the premises of GVMM. It is also an admitted fact that Plot No. 358/A was also given on and after 1993 by the present Appellant to the Respondent No.2 orally and all the dues with regard to Municipal taxes and dues of till date of GVMM is paid for the entire plot. Despite of the fact that Respondent No.2 is using only a part of the plot.
  - 4.5. It is stated that the existing HT connection was used by Respondent No.2 for running the factory, since the inception i.e. when the present Respondent No.2 became the tenant of Appellant. It is submitted that

Respondent No.2 has not requested for new HT connection but has requested to restart the already existing HT connection and same was in accordance with law.

- 4.6. The said plot is in possession of Respondent No.2, and rent is being paid regularly as per the agreement entered into between Respondent No.2 and Appellant.
- 4.7. It is stated that Respondent No.2 had availed the connection at the same place for the same plot where earlier the said connection was existing and was discontinued as Respondent No.2 was not in need of electricity at relevant point of time. However when the application was made by Respondent No.2 to start the HT connection, he was in need of electricity, and only after proper verification and following due process of law, Respondent No.1 has given HT connection.
- 4.8. It is stated that as far as allegations with regard to Plot No.7 are concerned the Respondent No.2 says that the same plot is an adjacent to Plot No.358 and the same was purchased by Respondent No.2 through an auction process in 2010. When the plot was purchased by Respondent No.2 in the year 2010, there was no electric connection on the same plot. The same plot was required by Respondent No.2 for expanding his business. During that time Appellant had not raised any objection with regard to usage of electricity on the said plot. It is only when the Respondent No.2 got HT connection restarted due to enhancement of load the grievance was raised by appellant.
- 4.9. On 10.02.2016 Respondent No.2 has submitted Rejoinder and stated as under:
  - (a) Respondent No.2 has pointed out Section No. 1.5(c) of GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulation, 2011 and stated that present Appellant is not a consumer of Respondent No.1, hence not entitled to file any complaint of whatsoever nature before Forum as well as before Ombudsman.

(b) Respondent has pointed out Section No. 3.19 of GERC (Consumer Grievances Redressal Forum and Ombudsman) Regulation, 2011 and stated that the present representation filed by Appellant deserves to be dismissed.

4.10. It is stated that the order passed by CGRF is just and proper.

**::: ORDER :::**

**5.0.** I have considered the contentions of the Appellant and both the Respondents and the facts, statistics and relevant papers, which are on record, and considering them in detail, my findings are as under.

5.1. Appellant has raised the issue regarding release of LT to HT connection to Respondent No.2 M/s. Shital Ispat by Respondent No.1 at the premises where Respondent No.2 is tenant of Appellant.

5.2. As mentioned by Respondent No.1, vide Para No. 3.1, original service No.425266 LTMD was released at above premises in the year 1983 and thereafter change of name and addition of load and reduction of load had been taken place as mentioned. Prior to present additional load, Respondent No.1 has approved reduction of load with conversion of HT to LT supply for 6 KW for commercial purpose on 10.08.2015 vide Service No.100294084.

On occasion of additional load from 6KW to 150KW, HT supply at same location, Appellant has raised the issue that without consent of Appellant, Respondent No.1 cannot release additional load of HT supply to Respondent No.2 at above premises of which Appellant is an owner.

5.3. Appellant has raised issue before CGRF, TPL that Respondent No.2 is a tenant of Appellant having plot area of 100' x 70' where HT supply was given by Respondent No.1 at Plot No.358/A. Appellant has purchased Plot No.7 of GVMM nearer to Plot No.358/A and additional load with HT supply was demanded to use power at Plot No.7, GVMM, Odhav.

Earlier there was a HT connection at Plot No.7 from UGVCL and there was a due amount against said HT connection, hence for use of power on

said Plot No.7, Respondent No.2 has demanded power supply from Respondent No.1.

Plot No.7, GVMM area covered under UGVCL jurisdiction and to avoid payment old dues, Respondent No.2 has demanded HT connection at Plot No.358/A nearer to Plot No.7, GVMM. The said two points were not redressed by CGRF, TPL, Ahmedabad. CGRF has mentioned in Para No. 5.5 that additional load demand under HT category supply, no place has been changed, hence request of Appellant for not giving HT supply to Respondent No.2 is not accepted and rejected the grievance.

5.4. Respondent No.1 as well as Respondent No.2 now stated in their submission that Appellant is not entitled under Clause No. 1.5(c) and 1.5(d) of Notification No.2 of 2011 to file representation before CGRF and Ombudsman. The said points were not mentioned/recorded by CGRF in its order

5.5. As per GERC Notification No.2 of 2011, Clause No.1.5(c), "complainant" means

"Complainant" means (a) any Consumer or Consumers including their legal heirs or successors, having a Complaint against a Licensee and lodging the same either directly or through their representatives; or (b) any voluntary consumer association or associations, registered under the law for the time being in force and making the Complaints in the larger interest of the Consumers; or (c) any Consumer(s)/voluntary consumer association(s) where the Licensee does not register or fails to register the Complaint of such Consumer(s)/voluntary consumer association(s); or (d) any person whose electricity connection is disconnected; or (e) an applicant for a new connection for the supply of electricity.

Appellant does not fall under definition of complainant as per above definition.

It is facts on records and accepted by both parties that Appellant is an owner of premises where HT connection is situated in name of Respondent No.2.

5.6. It is surprising to note that as submitted by Respondent No.1 that Respondent No.2 has reduced his contracted load from 101 KW to 6 KW on 10.08.2015 and suddenly applied before Respondent No.1 for additional load of 6KW to 150 KW with conversion of LT to HT supply on 14.08.2015 at same location vide HT service No.100320369.

5.7. It is facts on records that Respondent No.2 is a tenant of Appellant and having electric supply connection released by Respondent No.1. The present issue, wherein objection raised by Appellant for not granting LT to HT conversion of supply to Respondent No.2 on the grounds that use of additional load under HT category power supply is for Plot No.7, GVMM, nearer to Plot No.358.

As said by Appellant Plot No.7, GVMM is under jurisdiction of UGVCL i.e. another DISCOM.

To redress the above issue it is necessary to verify the site of both above plots i.e. Plot No.358 and Plot No.7, GVMM, and for that both the Distribution Licensees have to confirm the jurisdiction of supply of electricity to above plot.

Therefore, it is directed to officer concerned of DISCOM to carry out joint site verification of disputed plot No.358 and Plot No.7, GVMM within 30 days of receipt of this order, so as to ascertain that under whose jurisdiction the area of the said plots falls.

5.8. An order copy is to be issued to Chief Engineer, UGVCL for taking necessary action as per Para No. 5.7.

5.9. During the hearing on 28.01.2016, Respondent No.1 has verbally stated that HT supply connection of Respondent No.2 will be checked regarding use of power, and necessary action would be taken if required. On next hearing dated 23.02.2016 Respondent No.1 has not submitted any comment on above issue regarding use of power by said service by Respondent No.2, hence it is directed to Respondent No.1 to comply with reports for above issue.

- 5.10. The question of use of electric supply by Respondent No.2 is to be dealt by Respondent No.1 by verifying necessary documents and lay out plan submitted by Respondent No.2 at the time of application for conversion from LT to HT supply and use of electric supply accordingly, as per Clause No. 4.73 of Supply Code Regulation No.4 of 2015.
- 5.11 I order accordingly.
- 5.12. No order as to costs.
- 5.13. With this order, representation/Application stands disposed of.

(Dilip Raval)  
Electricity Ombudsman  
Gujarat State

Ahmedabad.  
Date: 11.03.2016.