BEFORE THE HON'BLE GUJARAT ELECTRICITY REGULATORY COMMISSION-- AT AHMEDABAD

Date 6th December, 2000

CORAM:Shri B.M. Oza Member (Fin.) and Shri R. K. Sharma Member (Tech.)

CASE NO. 23/2000

IN THE MATTER OF APPLICATION FILED BY
PATEL CHANDULAL POPATLAL
V/S.
GUJARAT ELECTRICITY BOARD

ORAL ORDER
6/12/2000

This is an application filed by Shri Patel Chandulal Popatlal regarding the electricity connection under Tatkal Scheme. It is not disputed that the applicant has paid a sum of Rs. 86,855/- on 3/1/2000 under the Tatkal Scheme to get the connection from Gujarat Electricity Board. One of the persons Shri Ranchhod Talwadi of Virendragarh who applied similarly under Tatkal Scheme and paid money on 3/5/2000 has already been given the connection of electricity. Therefore, in his own turn, the applicant should have already got connection under Tatkal Scheme which he has not got nearly for a period of one year, since the electric line was passing over the Pump House of Shri Damodarbhai and was not allowing the line to be laid that way. When the matter first came up before the Commission on 30-8-2000 the Commission had requested both the parties (Chandulal & Damodarbhai) to talk each other and to reach a compromise. However, it has been reported to the Commission now that no such compromise could be reached. In the meanwhile, by application dated 7/11/2000 Patel Damodarbhai Anandbhai has requested the Commission to join him as a party in this matter, since the over head line is passing through his fields.

2. Shri P.C. Pujara appeared for the applicant. Shri P.R. Chaudhary, Superintending Engineer appeared for the GEB and Shri M.C. Joshi appeared for Shri Damodarbhai Patel.

3. The facts of the case in brief are that when the Board decided to lay the line for electricity connection for Shri Chandubhai Patel in a particular manner it was passing very near the Pump House of Shri Damodarbhai which was causing inconvenience and was a concern for safety. Subsequently, as stated by the applicant, an arrangement was arrived in consultation with the other party to change the route of the electric line in a way which would not make the line passing over the Pump House of Shri Damodarbhai. The parties however subsequently did not agree to the arrangement and dispute persisted and as a result the work could not be completed.

4. The Commission as a matter of policy does not get in to the details of the individual cases. In this case also it is not for the Commission to decide and adjudicate upon the passage of electric line over the land of a particular individual. However, the Commission is concerned with the protection of consumers' interests and to see that the consumers are provided with the services for which money is paid by them.

5. The Commission has expressed its concern for the delay in granting agricultural connections by the Board. In the order dated 10-10-2000, the Commission has already directed the Board to take necessary measures to expedite the agricultural connections, taking stock of the waiting list and also to inform as to when they are likely to get the connection. According to the facts, which are not disputed, even after payment of money, the applicant has not been able to get any connection for nearly a period of one year. This is indeed a matter of concern.

6. The learned counsel for the applicant has pointed out that the Board has adequate powers under Section 51 of Indian Electricity Act 1910, Section 42 of the Electricity (Supply) Act 1948 as well as under Section 12 of Indian Electricity Act 1910 to undertake and to complete construction of such over head electric lines. Shri P.R.Chaudhary, S.E who appeared on behalf of the GEB explained the action being taken by the Board in this connection and the delay caused on account of disputes among the parties. It appears to us that specific time limit for such cases for resolving the disputes and providing services to the concerned consumers has not been laid down by

the Board. It is absolutely necessary that in such cases, particularly under arrangement like Tatkal Scheme where the consumer bear considerable amount of costs for providing electricity supply, procedure should be laid down with a reasonable time frame. The Commission therefore directs the Board that in case of providing such connections, appropriate procedure and time frame should be laid down. As mentioned above, the Board is vested with adequate powers to deal with construction of over head lines in co-operation and in consultation with appropriate state authorities.

7. Learned counsels for the applicant as well as Shri Joshi on behalf of Shri Damodarbhai Patel, cited various judgments passed by the Hon'ble High Courts and Supreme Court in various cases. This included Bharat Plywood Vs. Kerala State Electricity Board in AIR 1972 Kearla 47 and Bank of India Vs. Lekhimoni Das & Other in 2000 3 SCC. The former deals with the validity of Section 51 of Indian Electricity Act, 1910 read with Section 10 of Indian Telegraph Act. No party in the proceedings has disputed the validity of these provisions. Similarly the judgement of Supreme Court lays down the law that where two remedies are available under the law, any one of them can be availed of, but once it is done, resort to the other remedy would be barred. However, since the Commission is not adjudicating upon the rights of respective parties, it is not necessary to deal with this case which is not exactly applicable in this matter.

8. The fact however remains that the matter of providing electricity connection to Shri Patel Chandulal Popatlal has not been dealt with expeditiously and even after payment of required money he has not been provided with electricity connection. As mentioned above, the Board has adequate powers under the existing enactments to deal with the situation. We therefore direct the Board that this matter should be taken in right earnest and the electricity connection should be provided to the applicant after taking necessary measures, including taking into account the objections raised by various parties etc, within a period of two months from the date of this order. We order accordingly.

Sd/-
B.M.OZA
ACTING CHAIRMAN/
MEMBER(F)

Sd/-
R.KSHARMA
MEMBER(T)

Place: Ahmedabad
Date: 6th December, 2000