

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1988 of 2021

In the matter of:

Petition under Clause 3.46 of Consumer Grievances Redressal Forum and Ombudsman Regulations, 2019, Notification No. 2 of 2019 for non-implementation of the Order passed by the Electricity Ombudsman Ahmedabad in Case No. 24 of 2020 on the expiry of 30 days period from the date of receipt of the Order by the Respondent Executive Engineer, Division Office, Anjar, Kutch.

Petitioner: M/s Manaksia Coated Metals & Industries Ltd.

Represented by: Adv. Siddhant K. Gujarathi

V/s.

Respondent: Exe. Engineer, Division Office, Paschim Gujarat Vij Company Limited

Represented by : Adv. Dipak Dave with M. R. Dhamecha

CORAM:

Anil Mukim, Chairman

Mehul M. Gandhi, Member

S. R. Pandey, Member

Daily Order

Date: 07/02/2024

1. The matter was listed for hearing on 29.01.2024.

2. Adv Siddhant K. Gujarathi, appearing on behalf of the Petitioner, submitted that Respondent has challenged the Order of the Ombudsman before the Hon'ble High Court of Gujarat vide SCA No. 14431 of 2021 where no stay has been granted and Hon'ble High Court of Gujarat has observed that final Order of the Commission in this Petition will be subject to outcome of the SCA No. 14431 of 2021 filed before the Hon'ble high Court of Gujarat. Next date of hearing on the said SCA is kept on 15.03.2024 by the Hon'ble High Court of Gujarat. He has further requested for short adjournment of the matter due to non-availability of Counsel arguing the matter.
3. Adv. Dipak Dave on behalf of the Respondent apprised about the status of the case pending before Hon'ble High Court of Gujarat and also reiterated the proposal of keeping disputed amount in Fixed Deposit Account till the final order is not issued in the matter. He further submitted that the Petitioner has drawn more power than 1500 kVA many times and crossed maximum demand lead to change in the contract demand of the Petitioner and accordingly liable to pay the demand charges, etc. and other issues which needs to decide. He further submitted that the Petitioner has not complied with directive of the Commission vide earlier daily order dated 10.10.2023 by filing necessary compliances. On a query of total disputed amount, he submitted that the disputed amount needs to be calculated. He submitted that in compliance to directive provided vide Daily Order dated 10.10.2023, affidavit dated 11.01.2024 in regard to the said proposal is submitted.
4. Heard the Parties. We note that the present petition is filed for implementation of the Order of the Electricity Ombudsman by the Petitioner and therefore, there is no question of going into the merits of the case. We also note that the Respondent has challenged the Order of the Electricity Ombudsman before the Hon'ble High Court of Gujarat vide SCA No. 14431 of 2021 where no stay has been granted and Hon'ble High Court of Gujarat has observed that final Order of the Commission in this Petition will be subject to outcome of the SCA No. 14431 of 2021 filed before the Hon'ble high Court of Gujarat. We note that the Respondent has filed affidavit dated 11.01.2024 in regard to suggestion of opening of account and kept Fixed Deposit of amount for the disputed amount, if any, refundable by the Respondent for the period of dispute so that the Respondent cannot be under contempt of the Order of the Ombudsman/ Commission till final order in the subject matter.

5. We also note that the Petitioner has not complied with the directives of the Commission and not submitted details about maximum demand drawn during the period of July 2018 till September 2022 and whether maximum demand crossed the contract demand and the implications of the same. Accordingly, we direct the Petitioner to submit the said details along with total disputed amount within ten days from the date of this order. Also, the Petitioner is at liberty to file rejoinder on the submission vide affidavit dt. 11.01.2024 filed by the Respondent. We also note that the Petitioner has requested short adjournment due to non-availability of arguing counsel. Considering the request of the Petitioner for short adjournment and no objection by the Respondent in this regard, the matter is adjourned.
6. Next date of hearing will be intimated separately.
7. Order accordingly.

Sd/-
(S. R. PANDEY)
MEMBER

Sd/-
(MEHUL M. GANDHI)
MEMBER

Sd/-
(ANIL MUKIM)
CHAIRMAN

Place: Gandhinagar

Date: 07/02/2024