BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISISON
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. Aditya Dave with Pinakin Joshi

V/s.

Respondent: Exe. Engineer, Division Office, Paschim Gujarat Vij Company Limited
Represented by : K. A. Oza

CORAM:
Anil Mukim, Chairman
Mehul M. Gandhi, Member
S. R. Pandey, Member

Daily Order
Date: 19/06/2023

1. The matter was listed for hearing on 12.06.2023.
2. Adv Aaditya Dave, appearing on behalf of the Petitioner apprised the Commission about status of the SCA filed by the Respondent PGVCL in High Court of Gujarat and submitted that no stay has been granted by the Hon'ble High Court of Gujarat to Respondent PGVCL

and it is also directed that the proceedings before the Commission shall be concluded and orders made therein shall be subject to the outcome of the petition and accordingly Respondent PGVCL may be directed to implement order of the Electricity Ombudsman.

3. Mr. K. A. Oza, appearing on behalf of the Respondent, submitted that due to the Biparjoy cyclone related duty assigned to the higher officials, they are unable to attend the hearing and accordingly requested to adjourn the matter. Opposing this, Mr. Pinakin Joshi, on behalf of the Petitioner, submitted that the matter has prolonged since long and requested for a short date and also submitted that huge loss is being incurred as amount collected by Respondent PGVCL is recurring in nature due to which amount which was about Rs. 2.5 Crore has increased to Rs. 4.67 Crore.

4. We note that the Petition is filed for implementation of the Order of the Ombudsman by the Respondent. We note that the Respondent has approached the Hon'ble High Court of Gujarat against the order of the Ombudsman and Hon'ble High Court of Gujarat vide Oral Order dated 13.02.2023 has decided that;

   "...

   In the meantime, the proceedings before the GERC shall be concluded and orders made therein shall be subject to the outcome of the petition...."

   We also note the request of the Respondent for adjournment of the matter due to inability of higher officials to remain present during the hearing due to assignment of Biparjoy cyclone related work. Therefore, in the interest of justice, it is necessary to hear the Respondent. Considering the request of the Respondent for adjournment and in the interest of justice we decide to adjourn the matter for short duration.

5. The matter is accordingly adjourned.

6. Next date of hearing will be intimated separately.

7. Order accordingly.

Sd/-	Sd/-	Sd/-
(S. R. PANDEY)	**(MEHUL M. GANDHI)**	**(ANIL MUKIM)**
MEMBER	**MEMBER**	**CHAIRMAN**

Place: Gandhinagar

Date: 19/06/2023