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 OfHice, Anjar, Kutch.

And

IA No. 43 of 2024 in Petition No. 1988 of 2021.

In the matter of:

Application seeking urgent listing/ hearing on behalf of the Applicant/ Petitioner in Petition No. 1988 of 2021.

Applicant / Petitioner	:	Manaksia Coated Metals and Industries Ltd.
Represented by	:	Ld. Advocates Mr. Rohan Lavkumar with Mr. Nisarg Trivedi and Mr. Aditya Dave.

Vs.

Respondent	:	Paschim Gujarat Vij Company Limited
Represented by	:	Adv. Mr. Dipak Dave and and Mr. Vijay N Gameti.

CORAM:

Pankaj Joshi, Chairman
Hiren Shah, Member
Jatin N. Thakkar, Member

Date: 29/05/2026.

ORDER

1. The matter was listed for hearing on 29.05.2026.

2. Ld. Adv. Mr. Dipak Dave, appearing virtually on behalf of the Respondent PGVCL submitted that pursuant to last hearing on held 26.05.2026 in the matter, the Respondent PGVCL moved a Civil Application before the Hon'ble High Court of Gujarat in the pending SCA No. 14431 of 2021 seeking for stay on Operation of Ombudsman Order dated 15.03.2021 along with Review Order dated 13.05.2021. However, Hon. Gujarat High Court has declined to grant any stay / interim relief in the matter while reiterating the terms of its earlier Order dated 15.03.2023 that the Order passed by the Commission shall be subject to the outcome of the pending SCA No. 14431 of 2021. He further submitted that now the Respondent PGVCL has to comply with the Order dated 06.03.2026 of the Commission and accordingly sought two weeks for filing the compliance affidavit in the matter before the Commission.

   2.1. Upon response sought by the Commission from the Authorities of the Respondent PGVCL, as to why it has failed to file compliance affidavit within the time provided in the Order dated 06.03.2026, Ld. Adv. for the Respondent PGVCL has submitted that the Chief Engineer of the Respondent company has been travelling for official works and therefore could not attend the present hearing even virtually, despite the oral direction of the Commission to remain present during today's hearing, either virtually or physically.

3. Ld. Adv. appearing for the Petitioner submitted that the Respondent PGVCL has been avoiding the implementation of the Commission's Order

dated 06.03.2026 on one or other grounds and thereby depriving the rights of Petitioner to get adjustment of demand charge, in its electricity bill as per Ombudsman Order. He submitted that the conduct of the Respondent PGVCL itself shows that the Commission has to pass strict Order/ Directions against the Respondent PGVCL including initiation of actions for wilful non-compliance of the directions of the Commission.

4. Heard the parties. We note that the present matter was earlier listed on 26.05.2026 for compliance reporting of Commission's Order dated 06.03.2026. On the said date, the Adv. appearing on behalf of Respondent PGVCL sought time to seek instructions from Authorities of PGVCL in the matter.

4.1. We consider it appropriate to refer the directions issued to the Respondent PGVCL in the Order dated 06.03.2026, as under:

> *"5.16. Accordingly, we direct the Respondent, PGVCL to give effect to the Order dated 15.03.2021 passed by the Ombudsman, Ahmedabad in Case No. 24 of 2020, as confirmed by Order dated 13.05.2021 in Review, within a period of 30 days from the date of this Order by giving consequential billing adjustments/refund/credit, as applicable, to the Petitioner in terms of the directions contained in the Ombudsman's Order. The Respondent PGVCL is also directed to file the compliance affidavit before the Commission in the matter within week thereafter."*

Thus, in the Order dated 06.03.2026 the Commission has directed the Respondent PGVCL to implement the Orders passed by the Electricity Ombudsman within a period of 30 days from the date of Commission's Order and also file a compliance affidavit within a week thereafter.

4.2. We are constrained to record our serious concern regarding the conduct of the Respondent PGVCL in the present matter. Despite the specific directions contained in the Order dated 06.03.2026 requiring implementation of the Ombudsman's Order within the period of 30 days and filing of a compliance affidavit within one week thereafter, the Respondent has admittedly failed to comply with the said directions. We also note that neither any compliance affidavit has been filed nor it has shown any difficulties in implementation of the Commission's Order within stipulated time. The Respondent has also not placed on record any cogent or compelling circumstance which prevented compliance of the Commission's Order.

4.3. We further note that when the matter was listed on 26.05.2026, time was sought by the learned Advocate for the Respondent to seek instructions from the competent authorities of PGVCL. At that time, the Commission had specifically directed that the concerned competent authority of the Respondent PGVCL remain present during the next date of hearing, and option was also provided to appear virtually. However, despite such specific direction and despite the facility of virtual appearance being available, concerned higher officer of the Respondent has chosen not to remain present before the Commission. The explanation advanced is that the concerned Chief Engineer remained occupied in official work and, therefore, could not remain present. Such explanation cannot be accepted as a satisfactory justification in the facts of the present case, particularly when the Respondent has failed to comply with the Order of the Commission and sufficient opportunity to ensure representation was provided by the Commission.

4.4. The aforesaid sequence of events clearly indicate the disregard of the directions issued by the Commission. Such conduct assumes even greater seriousness considering that the Respondent is a Distribution Licensee functioning under the regulatory framework of the Electricity Act, 2003 and is expected to demonstrate the highest degree of regulatory discipline and compliance with orders passed by statutory authorities. In absence of any stay, suspension or modification of the said Order by any superior forum, the Respondent remains bound to faithfully implement the same.

4.5. In the given facts and circumstances and in the interest of natural justice, we deem it appropriate to issue the following fresh directions to the Respondent PGVCL:

a) The Respondent PGVCL shall file a detailed compliance affidavit, evidencing complete implementation of the Commission's Order dated 06.03.2026, on or before **08.06.2026**.

b) The Respondent PGVCL shall further file, on affidavit, specific explanation on or before **10.06.2026**, setting out the reasons for its failure to comply with the Commission's Order dated 06.03.2026 within the prescribed timeline and explaining as to why such conduct should not be treated as wilful and deliberate non-compliance of Commission's Order, attracting action under the provisions of the Electricity Act, 2003.

5. We make it clear that the Commission will consider the explanation and compliance furnished by the Respondent and thereafter determine the further course of action in accordance with law. It is further clarified that failure to comply with any of the aforesaid directions, it shall constrain the Commission to proceed against the Respondent and/or the officers responsible for such non-compliance under the provisions of the

Electricity Act, 2003, including initiation of proceedings under Section 142 thereof, without any further opportunity in the matter.

6. The staff of the Commission is directed to circulate a copy of this Order to all Licensees in the State of Gujarat for information and taking necessary guidance. The Licensees shall take due cognizance of the observations recorded herein and ensure strict and timely compliance of the Orders and directives issued by the Commission from time to time. The Commission expects all regulated entities to maintain the highest standards of regulatory discipline and institutional accountability in complying with the decisions of the statutory authorities under the Electricity Act, 2003.

7. Order accordingly.

Sd/-	**Sd/-**	**Sd/-**
[Jatin N. Thakkar]	**[Hiren Shah]**	**[Pankaj Joshi]**
Member	**Member**	**Chairman**

Place: Gandhinagar.

Date: 29/05/2026.