

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1769 of 2018.

In the Matter of:

Petition seeking appropriate action by the Commission under Sections 142 and 146 read with Section 149 of the Electricity Act, 2003 for non-compliance of Ombudsman's Order and violation of the Regulations.

Petitioner/Applicant : Babubhai Chakubhai Bambharoliya
C-2, Bhum Pujan Residency, Behind Varachha Bank
Yogi Chowk, Surat - 395 010.

Represented By : Mr. Babubhai Chakubhai Bambharoliya
V/s.

Respondent No. 1 : Dakshin Gujarat Vij Company Limited (DGVCL)
Corporate Office, Urja Sadan, Nana Varachha Road
Surat - 395 006.

Represented By : Nobody was present

Respondent No. 2 : Deputy Engineer (O & M), Sarathan Sub-Division, DGVCL

Represented By : Mr. M. M. Patel

Respondent No. 3 : Electricity Ombudsman.

Represented By : Mr. B. J. Shah

CORAM:

**Anil Mukim, Chairman
Mehul M. Gandhi, Member**

Date:20/02/2023.

ORDER

1. This matter has been filed by Mr. Babubhai Chakubhai Bambharoliya aggrieved by non-compliance / delay in implementation by the distribution licensee of the Order dated

20.08.2018 passed by the Ld. Electricity Ombudsman seeking action against the Respondent under Section 142 and 146 read with Section 149 of the Electricity Act, 2003. The Petitioner has *interalia* prayed as under:

- (i). *Direct or order the Respondent 1 and 2 to immediately comply with the order or direction dated 20.08.2018 of the Ombudsman. Time for such compliance shall not be more than seven working days.*
- (ii). *Direct or order to punish the Respondent 2 with imprisonment for a term which may extend to three months or with fine, which may extend to One Lakh rupees, or with both as per the law;*
- (iii). *Issue order to Distribution Licensee directing;*
 - *To remove the cause of complaint/ grievance in question;*
 - *To pay such compensation, to the Petitioner affected, as determined by the Commission due to failure of the Licensee to meet standards of performance as specified by the Commission;*
 - *To remove the defects/ deficiencies in the services in question;*
 - *To discontinue the unfair trade practice;*
- (iv). *Any other order, deemed appropriate in the facts and circumstances of the case.*

2. The facts and short issue involved in this matter are that an electricity connection for the residential house constructed by the Petitioner was sought from the Respondent distribution licensee DGVCL by submitting necessary application alongwith payment of requisite fees and all required documents. However, after registration of said application, the Respondent DGVCL vide letter dated 31.03.2018 intimated to submit required documents and to register the application in infrastructure, otherwise the application would be treated as cancelled. According to the Petitioner, since the said letter had no clarity, the Petitioner addressed communication to higher authority of the Respondent company intimating the same, but it was not replied and even estimate was also not issued to the Petitioner. A complaint was filed by the Petitioner before CGRF-DGVCL in which an Order dated 27.04.2018 was passed. Aggrieved by the said decision, the Petitioner filed an Appeal before the Ld. Electricity Ombudsman and vide its Order dated 20.08.2018, the Respondent DGVCL was directed to process the application of the Petitioner and issue the estimate as per the fixed cost basis as per the schedule approved by the Commission. Since, the said decision was not implemented by the Respondent DGVCL, the Petitioner has filed the present Petition.

- 2.1. During the hearing of the matter on 24.05.2019, it was submitted on behalf of the Respondent licensee that the Order in question of the Electrical Ombudsman was challenged before the Hon'ble High Court of Gujarat vide SCA No. 1042 of 2019 and considering the pendency of same, the Commission may adjourn the matter till the same is decided by the Hon'ble High Court. Accordingly, the matter was adjourned while directing the parties to appraise the Commission regarding the status of the said appeal filed before the Hon'ble Gujarat High Court at regular interval and outcome therein. Thereafter, in subsequent hearing it was informed that the Hon'ble High Court vide Oral Order dated 24.01.2022 had stayed the Order of the Ombudsman and requesting to adjourn the matter till the final outcome of said SCA 1042 of 2019 Accordingly, it was deemed appropriate to adjourn the matter *sine die*.
- 2.2. During the pendency of the matter, the Petitioner through letter received on 01.12.2022 sought withdrawl of this Petitioner stating that affidavit for which is attached. It is necessary to refer the said letter, which reads as under:

*"Babubhai Chakubhai Bambhroliya
113, Maa Amar Row House
Near Poddar School, Canal Road
Simada, Surat - 39500*

*To,
The Secretary
Gujarat Electricity Regulatory Commission'
6th floor, GIFT ONE, Road 5-C, GIFT CITY,
Gandhinagar-382 355, Gujarat, India*

Subject: Withdrawal of Petition No. 1769 of 2018 under section 142 and 146 read with section 149 of Electricity Act 2003 for non- compliance of Electricity Ombudsman's order and violation of the regulation.

With reference to above subject it is to inform you that I want to "with draw my Petition No. 1769 of 2018 under section 142 and 146 read with section 149 of Electricity Act 2003 for non- compliance of Electricity Ombudsman's order and violation of the regulation against DGVCL." I have made affidavit for the same which is attached herewith in five copies for withdrawal process. I am ready to pay Firm quotation issued by DGVCL as per company's present rules and regulation. I will not take any legal action against DGVCL in future in this regard.

So, please withdraw my petition no: 1769 of 2018.

Yours Faithfully

Sd/-

Babubhai Chakubhai Bambharoliya

C.C. to.

1. Electricity Ombudsman, Polytechnic compound, Barrack no.3, Ambawadi, Ahmedabad- 380015- For information

2. Deputy Engineer(O&M), DGVCL, Simada Subdivision, Surat-395006- For necessary action

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2.3. Further, the Respondent DGVCL also through communication dated 24.01.2023 conveyed that an amicable settlement has to be reached, the Petitioner has provided documentary evidence and hence with consideration of same, the matter be listed.

3. We note that the Petitioner has appeared in person in this matter today i.e., on 17.02.2023 and submitted that he is not desirous to pursue this matter any further and wants to withdraw this Petition. The Respondent DGVCL has no objection against withdrawal by the Petitioner.

3.1. We record the oral statement made by the Petitioner during the hearing seeking withdrawal of this Petition.

3.2. In view of the above, this Petition stands disposed of by withdrawn by the Petitioner.

4. Order accordingly.

Sd/-
[Mehul M. Gandhi]
Member

Sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar.

Date:20/02/2023.