

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5700 of 2023**

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EXECUTIVE ENGINEER(O AND M), PASHCHIM GUJARAT VIJ COMPANY
LIMITED

Versus

M/S PATEL COTTON INDUSTRIES & 1 other(s)

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Appearance:

MS LILU K BHAYA(1705) for the Petitioner(s) No. 1

for the Respondent(s) No. 2

HARSHADKUMAR D PANCHAL(9015) for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 17/04/2023

ORAL ORDER

1. Heard Ms. Lilu K. Bhaya, the learned advocate appearing for the writ-applicant and Mr. Harshadkumar D. Panchal, the learned advocate appearing for the respondent No.1.

2. Ms. Bhaya, the learned advocate submitted that the writ-applicant is aggrieved by the order impugned dated 12.4.2022 passed by the Electricity Ombudsman, Gujarat State, Ahmedabad - respondent No.2 herein in Case No.82 of 2021 directing the writ-applicant to revise energy bills from March, 2019 onwards and refund additional amount, if any, collected by way of refund and has also prayed to quash and set aside the order dated 13.7.2022 passed by the Electricity Ombudsman in Case No.82 of 2021.

3. Ms. Bhaya, the learned advocate appearing for the writ-applicant submitted that the respondent No.1 is a seasonal consumer. The writ-applicant herein issued the bill calculating the charges in respect of seasonal consumer, during on season period were as per the highest demanded recorded during billing month 100 KVA, whereas during off season no demand charges were calculated.

3.1 Ms. Bhaya, the learned advocate submitted that the respondent No.1 is having HT connection bearing Consumer No.17516 with contract demand of 1000 KVA built under HTP-I Tariff and opted for seasonal tariff from time to time as per the provisions made in tariff and approved by the GERC. Reliance was placed on said tariff code which is duly produced in para-3.1 of the impugned order at page-15, more particularly para.14.11.4.

3.2 Ms. Bhaya, the learned advocate placing reliance on para-3.3 submitted that in view of the analysis of HT billing software undertaken by the Gujarat Urja Vikas Nigam Ltd., it was found that there were an inadvertent mistake in the same and consumers were charged improperly and the same has been corrected from March, 2019 with effect from 1.4.2019 in accordance with the provisions of Tariff for calculation of

demand charges and this bonafide inadvertent mistake was corrected.

3.3 Placing reliance on the aforesaid submissions it was submitted that the order impugned dated 12.4.2022 wherein the respondent authority has directed to the writ-applicant herein to continue prevailing billing system prior to March, 2019 is erroneous.

4. Being aggrieved by the said direction in para-4.7 duly produced at page-24 the writ-applicant herein has approached this Court by filing the present writ-application.

5. Issue notice making it returnable on 3.5.2023.

The order impugned dated 12.4.2022 shall remain stayed till the next date of hearing.

K.K. SAIYED

(VAIBHAVI D. NANAVATI,J)