

**ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021**

**Present: Shri U. N. Behera, Chairperson
 Shri G. Mohapatra, Member**

Case No. 74/2021

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| M/s. Bahamai Enterprises | | Petitioner |
| Vrs. | | |
| The Executive Engineer (Elect.), RED, TPNODL, Rairangpur, Mayurbhanj | | Respondent |

In the matter of: Application under Sections 142 & 143 of the Electricity Act, 2003 for non-compliance of order dated 23.07.2021 of the Ombudsman-II passed in C.R. Case No. 34/2021.

For Petitioner: Shri Tushar Behera, authorized representative

For Respondent: Shri Chinmay Behera, Executive Engineer (Elect.), RED, Rairangpur, TPNODL.

ORDER

Date of Hearing: 09.11.2021

Date of Order: 12.11.2021

The petitioner M/s. Bahamai Enterprises, Bargimara, Mayurbhanj has come up with application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 23.07.2021 of the Ombudsman-II passed in C.R. Case No. 34/2021.

2. Fact of the case is that the petitioner had applied to avail power supply of 22KW load under Medium Industry category. After obtaining the said application it was intimated by the Respondent to the petitioner that as per the requirement of the Government he should apply through *GO SWIFT* portal of Government of Odisha and accordingly a letter No. 980(5) dated 26.04.2021 was issued to him. The petitioner after receiving the said letter without applying through *GO-SWIFT* approached the GRF, Balasore in C.C. Case No. 263 of 2020. The GRF, Balasore vide their order dated 07.05.2021 made the following observations:-

“As per the provisions of Section 43 of the Electricity Act, 2003, every distribution licensee shall on an application by the owner or occupier of any premises, give supply of electricity to such premises within one month after receipt of the application requiring such supply.”

After the above order was passed by the GRF, Balasore and the power supply was not extended within the stipulated period the petitioner had approached the Ombudsman-II in C.R. Case No. 34 of 2021. The learned Ombudsman-II while disposing of C.R. Case No. 34/2021 directed the respondent as follows:-

“The respondent is directed to give new power supply to the petitioner considering the application of the petitioner under Regulation-3 of the OERC Distribution (Conditions of Supply) Code, 2019 within 30 days from the date of the order observing rules and regulations in force. The respondent is also directed to file compliance of the above order within 45 days to this Authority.

The case is accordingly disposed of.”

3. After receipt of the above order of the Ombudsman-II, the respondent again intimated the petitioner that for compliance of the order of the Ombudsman-II the Petitioner has to apply under GO-SWIFT Portal and if there is any problem in applying under the GO-SWIFT Portal the petitioner may come to the office of the Respondent for registering under GO-SWIFT Portal as per strict guide line of the Govt. of Odisha. The other formalities for supplying power at the Respondent end has been completed. The petitioner without coming to the Office of the Respondent to complete the remaining procedure has filed the present case before this Commission. The Commission in its interim order dated 26.10.2021 had directed as follows:

“xxxxxxx The respondent is directed to help the petitioner in filing the application on “Go Swift” portal, issue demand notice by 30.10.2021 with required documents for supply of new connection as per “Go Swift” Portal developed by Govt. of Odisha. The petitioner is directed to deposit the necessary documents along with differential amount, if any, along with the report of the Electrical Inspector by 01.11.2021 to avail power supply prior to the next date of hearing.”

4. The Authorized representative of the petitioner submitted that after direction of the Commission vide interim order dated 26.10.2021, the respondent served an estimate with demand note on 30.10.2021 on him for up gradation of his 25 KVA Transformer to 100 KVA transformer and asked the petitioner to deposit Rs.5,66,819/- for the same without any remunerative calculation. Thereafter the petitioner intimated on 01.11.2021 to the respondent that estimate be revised for a 63 KVA transformer instead of 100 KVA transformer with remunerative calculation and the demand note be issued accordingly. On 06.11.2021 the respondent issued a letter to the petitioner with a demand note of Rs.5,66,819/- for power supply to the unit of the petitioner for 22 KW load reiterating that the earlier estimate was correct. It further stated that current load is around 34 KVA on the 25 KVA existing sub-station so the estimate was prepared for

100 KVA sub-station. The Petitioner during hearing also submitted that they are not inclined to apply for power supply through *GO-SWIFT* portal.

5. The Respondent stated that as per Resolution No.IND-H12-Act-0002-2015/7311 dated 21.10.2017 of Govt. of Odisha, Industry Department it has been decided to set up an online single window portal to provide time bound approvals/clearance to investors. The petitioner has to apply through *GO-SWIFT* Portal as formulated by the Govt. of Odisha. The petitioner wilfully is not completing the prescribed procedure even if the respondent is ready to co-operate with the petitioner to apply under *GO-SWIFT*. They are ready to supply power following rules and regulations as directed by the Ombudsman provided the Petitioner applies for the power supply through *GO-SWIFT* portal. The Respondent further submitted that they had gone to the premises of the Petitioner to assist him to apply for power supply through *GO-SWIFT* portal but the Petitioner refused to do so. Therefore, he prays the Commission to dismiss the present case as it has no merits.
6. Heard the parties at length. We find that though the Respondent is ready to comply with the order of Ombudsman-II but the Petitioner himself is creating a blockade by refusing to apply for power supply through *GO-SWIFT* portal developed by the Government. The Petitioner has failed to give any reason for not doing the same. Further, inspite of the demand notice being served by the Respondent, the Petitioner has not deposited the same. Therefore, onus of non-compliance of Ombudsman order squarely lies on the Petitioner.
7. In view of above observation the proceeding under Section 142 against the Respondent is dropped.
8. Accordingly, the case is disposed of.

Sd/-

(G. Mohapatra)
Member

Sd/-

(U. N. Behera)
Chairperson