

**Case No. 09 of 2024**

**Date of Hearing:30.04.2024**

**Date of Order:30.04.2024**

The case is taken up for hearing today through hybrid arrangement (virtual/physical).

2. Shri Himansu Sekhar Deo, Advocate on behalf of the Petitioner- M/s. DRIEMS and Shri Debashis Pattnaik Advocate on behalf of Respondent-Licensee do appear. The reply filed by the Respondent-Licensee is taken on record.
3. The Learned Advocate on behalf of the Petitioner-M/s. DRIEMS submits that the Respondent-Licensee (TPCODL) is not complying the order dated 16.11.2023 of the Learned-Ombudsman-I wherein it is directed that the Petitioner is entitled to get back all the amount deposited in excess of the amount payable by it as a consumer of 'Specified Public Purpose' category for the period of two years prior to 03.03.2023. The Respondent-Licensee has not complied the said order of the Learned-Ombudsman-I even after lapse of sufficient time. Therefore, the present Petition has been filed under Section 142 of the Electricity Act, 2003 for issuing direction to the Respondent-Licensee for early compliance of the order of the Ombudsman-I along with punishment for non-compliance of the said order.
4. The Learned Advocate appearing on behalf of the Respondent-Licensee submits that the Learned Ombudsman-I, vide its Order dated 16.11.2023, partly allowed the Consumer Representation in Case No.33 of 2023 observing that the Petitioner comes under the category of Specified Public Purpose and allowed the revision of bills upto a period of two years prior to 03.03.2023, even though the Petitioner-Consumer has miserably failed to establish that it has attached hostel and/or residential colony. The Petitioner draws power through single HT meter in the said Educational Institution (Specified Public Purpose) and hence, it is clear violation of Retail Supply Tariff Order of the Commission. Being aggrieved by the above Order dated 16.11.2023 of the Learned Ombudsman-I, the Respondent-Licensee had filed Review Petition on 20.01.2024 clearly raising the contradictions and violations of the OERC Regulations and the conditions laid down under Para 426 of the RST order for FY 2019-20, however, the Learned Ombudsman-I failed to appreciate the same and rejected the Review petition of the Respondent-Licensee vide its order dated 04.03.2024.

5. In view of the above scenario, the Respondent-Licensee has prayed for adequate time to challenge the illegal Order dated 16.11.2023 and Review Order dated 04.03.2024 passed by the Learned Ombudsman-I in C.R. Case No.OM (I) 33 of 2023 before the Hon'ble High Court of Orissa for proper adjudication.
6. After hearing the parties, the Commission asked the Learned Advocate appearing on behalf of the petitioner to establish the fact that the Petitioner-M/s. DRIEMS comes under the category of 'Specified Public Purpose' under Clause 138 (i) of the OERC Distribution (Conditions of Supply) Code, 2019 through its activities. The Learned Advocate of the Petitioner prays for some time to file its submission in this regard.
7. The prayer of the Petitioner is allowed and the Commission directs the Petitioner to file its rejoinder by 07.05.2024 serving a copy of the same on the Respondent-Licensee, who may file its reply, if any, by 13.05.2024.
8. Put up the matter on 14.05.2024 for hearing. No further notice is needed to be issued to the parties.

**Sd/-**  
**Member (RM)**

**Sd/-**  
**Officiating Chairperson**