ORISSA ELECTRICITY REGULATORY COMMISSION

BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012
****

Present : Shri K.C. Badu, Member
Shri B.K. Misra, Member

Case No.119/2009

M/s Hotel Manorama Plaza …. Petitioner
Vrs.
E.E. (Elec.), CESU ….. Respondent

In the matter of: U/s 142 of the Electricity Act, 2003.

For the Petitioner: Mr. Bikash Jena, Advocate for Hotel Manorama Plaza

For the Respondent: Mr. Suresh Chandra Dash, Advocate for CESU.

Date of Hearing: 10.11.2009 **Date of Order: 10.11.2009**

ORDER

Mr. Jena the learned Counsel for the petitioner stated that his client has filed this Case u/S 142 of the Electricity Act, 2003 against the Respondent to impose penalty for non-compliance of the order dated 24.1.07 of the GRF, Cuttack passed in C. C. No. CDD- II/21/2006, which was also confirmed by the Ombudsman-I vide its order dated 26.6.2009 passed in C.R. Case No. OM(I)/19/2009. The Case was admitted on 21.10.2009 and on the same day during hearing the Advocate for the Respondent prayed 3 weeks time for filing of its reply. Prayer of the Respondent was allowed by the Commission. The matter is posted today for hearing.

2. During hearing Mr. Jena has filed a Memo for withdrawal of the aforesaid Case as the Respondent has already complied the Order dated 26.6.2009 of the Ombudsman-I passed in CR Case No. OM (I)/19/2009. The respondent has served a revised bill in accordance with the observations/directions of the said Ombudsman-I. He also prayed the Commission to allow the petitioner to withdraw the case as there is no need to proceed u/S 142 of the Act, 2003 against the Respondent in the above case so also in case No. 44/2007, which is pending

before the Commission on the same issue. The issues raised in Case No. 44/07 has already been carried out by the respondent as per the Order dated 26.6.2009 of the Ombudsman-I passed in above C.R. Case.

3. Mr. Dash, the learned Counsel for the respondent has filed an affidavit regarding implementation of the aforesaid order of the Ombudsman-I passed in aforesaid C.R. Case and also prayed to the Commission to drop the proceeding u/S 142 of the Act, 2003 He also prayed to drop the proceeding in Case No. 44/07 as the Hon'ble High Court has already disposed of the matter vide its Order dtd 28.1.09 passed in WP(C) No. 9483/07 setting aside the impugned order dtd. 04.06.2007 of the Ombudsman-(CZ) passed in Case No. OM (CZ)/07/2007 and the matter is remitted back to Ombudsman-I, Bhubaneswar, who is the successor of the then Ombudsman(CZ) for de novo disposal. Then the Ombudsman-I has registered it as C.R. Case No. OM(I)/19/2009 and heard the parties, perused the case records and passed its Order on 26.6.09 by confirming the order dtd. 24.1.07 passed in Case No. CDD-II/21/2006 by the GRF, Cuttack. In both the cases, the issues are similar and also the parties are same. The issues are solved by the respondent in accordance with the aforesaid order of the Ombudsman-I. He prayed the Commission to drop both the proceedings in Case No. 44/07 and 119/09 under S.142 of the Electricity Act, 2003.
4. We allowed the prayer of the both the petitioner and the respondent to withdraw of the cases. There is no need to proceed under S.142 of the Act, 2003 as the order of the Ombudsman-I has been carried out by the respondent, which is admitted by the petitioner.
5. The respondent should comply the GRF/Ombudsman order(s) promptly and timely manner. The petitioner should pay the current electricity bills to the licensee regularly in time to avoid power disconnection. Further, the outstanding dues if any, as on 31.10.2009 should be paid before 25.11.2009.
6. Accordingly, both the case Nos.119/09 & 44/07 are disposed of with the above directions.

Sd/-
(B.K. Misra)
Member

Sd/-
(K.C. Badu)
Member