

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNAKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751 021

**Present: Shri A. K. Das, Member
Shri S. K. Parhi, Member**

Case No. 74/2007

M/s. Prinik Steels Pvt. Ltd.

..... **Petitioner**

-Vrs.-

EE, KED, Khurda, CESU

..... **Respondent**

In the Matter of: **An application under Section 142 of the Electricity Act, 2003 read with Regulation 17 of the OERC (GRF & Ombudsman) Regulations, 2004 and Regulation 76 of OERC (Conduct of Business) Regulations, 2004 for non-compliance of Order dated 05.11.2007 of the Ombudsman (CZ) passed in C. R. Case No.60/2007.**

For the Petitioner: Shri Bikash Jena, Advocate.

For the Respondents: Shri S K Harichandan, AGM (Law), CESU and Shri B K Nayak, Advocate.

ORDER

Date of Hearing: 22.11.2016

Date of Order:18.02.2017

The petitioner M/s. Prinik Steels Pvt. Ltd. has filed the present petition against E.E., KED, Khurda for serving bill as per check meter reading though the main meter is in order. Initially, when the main meter became defective on 14.02.2005, they started billing as per reading based on check meter and continued till May, 2006 although main meter was replaced in October, 2005. Again when the check meter became defective from June, 2006 to 28.02.2007 the billing was done on main meter reading. The check meter was replaced on 28.02.2007 but they started billing basing on check meter from May, 2007 onward though the main meter was in order. The petitioner approached the GRF, Khordha and GRF, Khordha has given its order dated 22.08.2007. Being aggrieved by the order of GRF, the petitioner had approached Ombudsman on this issue and Ombudsman in its order directed the respondent to revise the bill from November 2005 to May, 2006 and March, 2007 to June 2007, which has been raised basing on check meter reading while the main meter was in working condition. If the bill for any other period is prepared on the basis of check meter reading while main meter was working, that should also be revised and all future bills should be raised by the respondent on the basis of reading recorded in the main meter while the same is in working condition.

2. The respondent, CESU had challenged the said award of Ombudsman by filing a writ petition bearing W.P.(C) No.15866 of 2007 before the Hon'ble High Court and the Hon'ble High Court disposed off the writ petition by their judgment dated 19.08.2014 confirming the order passed by the Ombudsman. Being aggrieved by the judgment passed by the Hon'ble High Court CESU/respondent approached the Hon'ble Supreme Court in SLP (C) 6869 of 2015 which was dismissed on dated 20.04.2015.
3. When the matter was pending before the Hon'ble High Court the petitioner had filed the above mentioned case before the Commission under Section 142 of Electricity Act, 2003 for non-compliances of the award dated 05.11.2007 passed by Ombudsman. The Commission in its order dated 02.05.2008 directed CESU to depute its engineer/MRT staff for testing of the main meter and check meter at the consumer premises and to undertake the billing basing on the test report. When the matter was standing thus Respondent filed a Misc. Case No. 9520 of 2008 (arising out of W.P.(C) No.15866 of 2007) before the Hon'ble High Court for stay operation of the award passed by the Ombudsman. The Hon'ble High Court by order dated 07.08.2008 disposed of the Misc. Case directing the respondent to comply with the order and raise the bill for the various periods as directed by the Ombudsman.
4. As per the order of the Hon'ble High Court dated 07.08.2008 the energy bills of the consumer were revised as per the award of the Ombudsman and petitioner was extended with the benefit while the matter was pending before the Hon'ble High Court. The respondent issued the additional demand/energy bill–cum-disconnection notice dated 11.12.2007 against the petitioner to the tune of Rs.9476628/- for the period from July, 2006 to February, 2007. By interim order dated 24.12.2007, the Commission had stayed the disconnection notice dated 11.12.2007 for the supplementary energy bill till disposal of the case and the Petitioner had also not paid the supplementary demand raised by the Respondent.
5. In the meantime, the respondent has complied with the order passed by the Ombudsman and has extended the relief to the petitioner as per their award dated 05.11.2007. Since, the award passed by the Ombudsman has already been complied with and the matter has been settled by the Hon'ble Supreme Court, the Respondent prays to the Commission to vacate the stay granted through the interim order dated 24.12.2007 and direct the petitioner to clear the outstanding dues.
6. Heard the parties at length and since the respondent has already implemented the order of the Ombudsman, there is no need to keep the present proceeding under Section 142 of the

Electricity Act, 2003 pending before the Commission. The supplementary energy bill shall be based on the findings of the Ombudsman.

7. The stay granted on 24.12.2007 by this Commission on demand-cum-disconnection notice dated 11.12.2007 for the supplementary energy bill for the period July, 2006 to February, 2007 is hereby vacated.
8. The case is disposed of accordingly.

Sd/-
(S. K. Parhi)
Member

Sd/-
(A. K. Das)
Member