

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

**Present : Shri S. P. Nanda, Chairperson
 Shri S. P. Swain, Member
 Shri A. K. Das, Member**

Case No. 66/2009

Smt. Bindu Pattanaik

.... **Petitioner**

Vrs.

CEO, WESCO Utility & Others

.... **Respondents**

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

ORDER

Date of Order: 21.06.2016

The petitioner herein Smt. Bindu Pattnaik, Saktinagar, Rourkela has filed the above case under Section 142 of the Electricity Act, 2003 for non-compliance of the order dated 09.03.2009 of the Ombudsman-II passed in C.R.Case No. (W)-21 of 2008 against the CEO, WESCO and the Executive Engineer (Elect.), Rourkela Electrical Division, Rourkela. The above case was heard by the Commission on 08.06.2009. During hearing of the said case, the Counsel appearing on behalf of the WESCO submitted that the respondents have moved to the Hon'ble High Court of Orissa against the above order of the Ombudsman-II passed in C.R.Case No. (W)-21 of 2008 in W.P.(C). No. 6674 of 2009. The Hon'ble Court has been pleased to pass an interim stay of operation of the order of the Ombudsman-II. The Commission in its interim order dated 08.06.2009 had directed the respondents to produce the certified copy of the said interim order of the Hon'ble Court and also directed to list the matter after disposal of the writ petition pending with the Hon'ble High Court of Orissa.

2. The Hon'ble High Court, has in the meantime disposed of the case with a direction to the respondent herein to revise the bill and serve it to the consumer within 4 weeks and also the petitioner herein was directed on receipt of the bill he has to pay the bill without any default. But the said order of the Hon'ble Court remain silent about the 2nd part of the order of the Ombudsman-II regarding payment of compensation to the

petitioner herein as per Section 57 of the Electricity Act, 2003 read with Regulation 5 of the OERC (Guaranteed Standard of Performance) Regulations, 2004.

3. Being aggrieved by the said order of the Hon'ble High Court, the petitioner has filed a writ appeal bearing W.A. No. 265/2015 which is still pending with that Hon'ble Court.
4. In the above circumstances, the matter is pending with the OERC since 2009 due to interim stay order of the Hon'ble High Court and writ appeal filed by the Petitioner. The Commission is no more inclined to keep the matter pending for further period with the commission. Therefore, the case is disposed of with a direction that the outcome of W.A. No. 265/2015 arising out of WP(C) No. 6674/2009 which is pending before Hon'ble High Court shall be applicable in the present case.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S.P.Nanda)
Chairperson