
2. The case was taken up for hearing on 09.11.2010 on question of admission. During hearing on 09.11.2010 the Counsel appearing on behalf of the petitioner took adjournment of hearing as the copy of the petition was not served on the respondent. Considering the prayer of the petitioner the Commission adjourned the matter and had directed the petitioner to serve the copy of the petition to the respondent and the respondent was also directed to file his reply within seven days from the date of receipt of copy of the petition. Thereafter, the Commission would fix the date of hearing on question of admission.
3. Without complying the said direction of the Commission, the respondent had moved to the Hon'ble High Court of Orissa in W.P.(C). No. 1709 of 2011 challenging the order dated 17.09.2009 of the Ombudsman-I passed in C.R. Case No. OM (I)-34/2009 along with an application for stay of operation of the said impugned order of the Ombudsman-I. The Hon'ble Court has not been pleased to pass any interim order till today on the issue, as the matter stands before us.
4. As the matter is pending since 2010 with the Commission, a letter was issued on 30.04.2016 for submission of present status of the case within 15 days from the date of the notice. But except the petitioner who has filed its reply on 17.05.2016 stating

therein that the above W.P.(C). No. 1709/2011 is pending with the Hon'ble High Court and the Hon'ble Court has not passed any interim order (s) till today, the respondent has not submitted its counter as well as the present status of the case pending with the Commission.

5. After perusal of the case records, we observe careless attitude of the respondent in dealing with the issue and concerns of the consumers.

The order of the Ombudsman was passed on 17.09.2009 and no action was taken either to implement the same or otherwise by the respondent. Aggrieved and agonized, the petitioner approached the Commission u/S. 142 of the Electricity Act, 2003. Respondent informed the Commission on 09.11.2010 of the non-receipt of copy of the petition and counsel appearing on behalf of petitioner agreed to the same. Both parties sought adjournment and accepted the direction of the Commission to serve the copy of the petition on the Respondent and file reply within seven days from the date of receipt of the copy of the petition.

But instead of replying to the petition as directed by the Commission, the respondent approached Hon'ble High Court of Orissa on the issue in the year 2011. The Hon'ble High Court has neither allowed any stay on the order of the Ombudsman nor has passed any interim order.

Since the matter is before the Commission without any intimation from both the sides for long, therefore, the Commission issued notices to both the parties to inform the status of the case. Though the Petitioner responded to the notice of the Commission the Respondent evaded the same by remaining silent.

Thus, it is felt that the respondent is taking advantage of legal procedures and and trying to stall the process of adjudication in the Commission. We find the order of the Ombudsman-I is a reasoned one. Meanwhile nearly seven years has passed since the Petitioner has obtained a favourable order from Ombudsman. The respondent has failed to obtain a proper stay or any interim order from Hon'ble High Court of Orissa. This type of callous attitude of Respondent has eroded the credibility of justice administration under Electricity Act. It is the responsibility of the Commission to ensure faster redressal of grievance of the consumers at the same time smooth operation of distribution business.

Therefore, in absence of any interim order by the Hon'ble High Court, we direct the respondent to implement the order passed by Ombudsman-I in this regard unless otherwise decided by the Hon'ble High Court.

6. The respondent is allowed 15 days time from the date of this order to implement the said order of the Ombudsman-I as it is a reasoned one. In case of its default, the erring officer shall be liable to a penalty of Rs.500/- (Five hundred) only per day to be recovered by the higher authority till the date of compliance and deposited in the

appropriate accounts subject to any other direction passed by the Hon'ble High Court of Orissa in W.P.(C). No. 1709/2011.

7. With the above directions, the case is disposed of.

Sd/-
(A.K. Das)
Member

Sd/-
(S.P. Swain)
Member

Sd/-
(S.P.Nanda)
Chairperson