

ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012

Present: Shri S. P. Nanda, Chairperson
Shri K.C. Badu, Member
Shri B.K. Misra, Member

Case No. 110 of 2011

M/s. Maithan Ispat Ltd.,	Petitioner
Vrs.		
The Executive Engineer (Elect.), JRED, NESCO	Respondent

In the matter of: An application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 20.10.2011 of the Ombudsman-II passed in C.R. Case No.Omb (II) N-37 of 2011.

For the Petitioner: Shri A.K.Sahani, authorized representative.

For the Respondent: Shri Sk. Kamal Jumlat, Asst. Manager (Law), NESCO.

Date of Hearing: 02.04.2012.

Date of Order: 02.04.2012

ORDER

The case is taken up to for hearing on question of admission. This matter is relating to non-compliance of the Order dated 20.10.2011 of the Ombudsman-II passed in Consumer Representation Case No. Omb. (II) N-37 of 2011. The above Order of the Ombudsman-II is produced below:-

“(a). *Energy bill for January, 2011- The energy charges billed earlier will remain as it was. Re-cast the demand charges, considering total contract demand of the company as 15000 KVA.*

“(b). *Energy bills from February, 2011 to June, 2011-As per Regulation, 97 of OERC Supply Code, 2004, Re-cast the energy bills on the basis of average meter reading for the consecutive three billing periods of the new meter (which has import and export recording facility) replaced. The average power factor of the above three reading is to be considered as the PF of each month for revision of the above bills from February, 2011 to June, 2011.”*

2. Due to non-implementation of the above direction of the Ombudsman-II, the Petitioner- M/s Maithan Ispat Limited has filed this petition u/S.142 of the Electricity Act, 2003 before the Commission for compliance of the said order.
3. During hearing the Respondent- Executive Engineer (Elect.), JRED, Jajpur, NESCO filed a Memo of through affidavit regarding the interim Order passed by the Hon'ble High Court in Misc. Case No. 2599/2012 arising out of W.P. (C). No. 2999/2012, granting for stay of the operation of the Order dated 20.10.2011 of the Ombudsman-II passed in C.R.Case No. Omb-II-N/37 of 2011. In the above writ Petition, the Hon'ble High Court was pleased to stay the operation of the Ombudsman-II passed in the said C.R.Case till further Orders. So he prayed the Commission to reject the Petition u/S. 142 of the Electricity Act, 2003 as the Hon'ble High Court has stayed the said order of the Ombudsman-II. .
4. After going through the documents filed before us we hold that as the matter is sub-judice before the Hon'ble High Court in W.P. (C). No. 2999/2012 and the Hon'ble Court has been pleased to stay the operation of the Order of the Ombudsman-II passed in C. R. Case No. Omb. (II)-N 37 of 2011, this petition does not survive.
5. Accordingly, the case is disposed of.

Sd/-
(B.K. Misra)
Member

Sd/-
(K. C. Badu)
Member

Sd/-
(S.P.Nanda)
Chairperson