

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

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

Case No. 48/2011

East Coast Railway Petitioner

Vrs.

Manager (Elect), CESU, KED, Khurda Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003.

ORDER

Date of Order: 28.06.2016

The petitioner M/s. East Coast Railway, Khurda Road has filed an application under Section 142 of the Electricity Act, 2003 for non-compliance of the Order dated 13.04.2011 passed in C.R. Case No. Omb(I)-05/2011 of the Ombudsman-I regarding defective energy meter (KTR01) billing of Kaipadar Road Railway Traction Sub-station. The said application was taken up for hearing on 04.08.2011 by the Commission.

2. The Commission vide its interim order dated 16.08.2011 had directed CESU, to complete the replacement of the defective instrument transformers (CTs/PTs) with new ones being arranged by the petitioner either through the help of OPTCL-STU or directly engaging a licensee EHT contractor for necessary restoration on or before 15.09.2011. The petitioner shall co-operate in arranging the equipment as well as extending necessary logistics to the representative of the Respondent to make the energy meter at consumer premises functional. The consumer meter shall be treated as the main meter and the apex meter available at STU end shall be treated as check meter for verification purpose in accordance with contract provision.
3. Being aggrieved by all the orders passed by the GRF, Khurda, dated 21.12.2010 in C.C. Case No. 83/2010 and order dated 13.04.2011 of the Ombudsman-I in C.R. Case No. OM (I)-05/2011 and also order dated 16.08.2011 of the Commission, the

respondent has challenged all together before the Hon'ble High Court of Orissa in W.P.(C). No. 25414/2011 impleading the petitioner herein as Opposite Party No-1 along with others. The Hon'ble High Court has not granted stay of operation of the order passed by the Ombudsman-I in C.R.Case No. OM (I)-05/2011 arising out of the GRF, Khurda order passed in C.C. Case No. 83/2011 and the consequential order dated 16.08.2011 of the Commission passed in this case till date.

4. The Commission taking into view of the status report submitted by the parties herein as per Letter No. 568 dated 02.05.2016 of OERC, directs the Respondent either to obtain the stay of operation of the said order of the Ombudsman-I passed in C.R.Case No. 05/2011 along with the consequential order dated 16.08.2011 of the OERC or implement the said orders of the Ombudsman/OERC within one month from the date of issue of this order. However, the final outcome of the case pending before the Hon'ble High Court of Orissa in W.P. (C). No. 25414/2011 shall be applicable to the parties herein.
5. With the above direction, the case is disposed of.

Sd/-
(A.K. Das)
Member

Sd/-
(S.P. Swain)
Member

Sd/-
(S.P.Nanda)
Chairperson