

ODISHA ELECTRICITY REGULATORY COMMISSION

BIDYUT NIYAMAK BHAWAN,

UNIT – VIII, BHUBANESWAR – 751 012

*** **

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

Case No.37 of 2012

Smt. Susama PratihariPetitioner

Vrs.

S.D.O. (Elec.), KED, NESCORespondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 read with 146 of the said Act.

For the Petitioner: Shri. Falguni Rajguru Mohapatra, Advocate and Shri A.K.Sahani,
authorised representative.

For the Respondent: Shri. Rajkishore Mohanta, SDO (Elect.), KED, Khunta, NESCO.

Date of hearing: 19.06.2012

Date of Order: 23.06.2012

ORDER

1. Heard both the parties at length. The petitioner has filed the complaint petition under Section. 142 of the Electricity Act, 2003 for non-implementation of the order dated 21.02.2012 passed by the Ombudsman-II in C.R.Case No.69/2011, wherein the Ombudsman-II had remanded the matter to the SDO (Elect.), KED, NESCO to settle the disputed penal bill through complaint handling procedure and the bills served on average load factor basis is to be revised as per the provisions of the Distribution Code, 2004.
2. Since the said order dated 21.02.2012 of the Ombudsman-II passed in C.R.Case No. 69 of 2011 has not been complied within a period of 45 days from the date of issue, the present petition has been filed u/S. 142 of the Electricity Act, 2003 for penal action

against the respondent and also for implementation of the said order by the respondent as early as possible.

3. A reply has been submitted by the Asst. Manager (Elect.), KED, Khunta, wherein it has been submitted that it is not possible on the part of the respondent to implement the order without the permission of competent authority of NESCO.
4. Ombudsman-II has passed the order to settle the dispute through complaint handling procedure. Therefore, the application is disposed of with the direction to the respondent to comply the aforesaid order of Ombudsman-II passed in C.R.Case No. 69/2011 within a period of 15 days failing which suo-motu cognizance shall be taken against the erring official of the licensee for non-compliance of the said order. A copy of such compliance should be submitted before the Commission.
5. With the above direction, the case is disposed of.

Sd/-

(S.P.Swain)
Member

Sd/-

(B.K.Misra)
Member

Sd/-

(S. P. Nanda)
Chairperson