

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.55 of 2012

Smt. Subhasini SahooPetitioner
Vrs.
E.E, KED, KhurdaRespondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 for non-compliance of the order dated 10.03.2010 of the Ombudsman-I passed in C.R. Case No 3/2010 and also dated 18.12.2009 of the GRF, Khurda passed in C.C. No 93/2009 (KED)

For the Petitioner: Shri. Sukayan Pattnaik, Advocate.

For the Respondent: Shri. Dhaneswar mohanty, Advocate.

Date of hearing: 17.08.2012

Date of Order: 28.09.2012

ORDER

1. The crux of the case is that the petitioner has challenged the erroneous billing procedure and certain other actions by the Licensee (Respondent) before GRF, Khurda. The said Forum allowed relief to the Petitioner in all the issues raised before them except one issue. Being aggrieved by non-redressal of the said issue by the GRF the Petitioner moved Ombudsman-I. The Learned Ombudsman-I in his Order dtd. 10.03.2010 allowed relief to the Petitioner and directed that the Respondent should refund the excess amount paid by the Petitioner for making his supply remunerative through the subsequent energy bill of the consumer. Though the stipulated period of 24 months have elapsed for refund of excess amount collected from the Petitioner, the Respondent CESU has not adjusted the same in the subsequent electricity bill. Therefore, the Petitioner urges the Commission to invoke Section 142 of the Electricity Act against the Respondent.
2. The Learned Advocate appearing for CESU stated that CESU has moved Hon'ble High Court of Orissa against the Order of Ombudsman-I. However, there is no Interim Stay of proceeding before the Commission on the above issue. He also

pointed out that as per Regulation 10 (6) of OERC (GRF and Ombudsman) Regulation, 2004 it is mandatory for a consumer to furnish the licensee within a period of one month from the date of receipt of the award or within such period the Ombudsman may allow for reasons to be recorded, a letter of acceptance that the award is in full and final settlement of his claim. But in this case the Petitioner is yet furnish a letter accepting such award. Therefore, it is not possible on the part of the CESU to proceed in implementing the award of the Ombudsman-I.

3. Though the Commission in its Interim Order dtd. 31.07.2012 has directed that the both the parties should submit their written submission if any, within 7 days only the Petitioner has furnished its reply. The Advocate for Petitioner argued that as the Petitioner has agitated only one issue out of several issues settled by the GRF before Ombudsman-I it tantamounts to accepting the rest of the issues addressed by GRF. Over and above the Petitioner has already given a representation dtd. 08.04.2010 to the Licensee for adjustment of excess amount paid in the subsequent energy bills which can be treated as acceptance of the award of the Ombudsman-I.
4. Heard the parties at length. There is no stay of either of GRF or Ombudsman Order by any superior court. Mere filing of a case in Hon'ble High Court against the Order of Ombudsman can't absolve the responsibility of DISCOM of implementing the Order of GRF or Ombudsman. Non-furnishing of acceptance of award cannot be a sufficient ground for non-implementation of the Order of the Ombudsman. The filing of the case before Hon'ble High Court is in disguise the acceptance of the Respondent that the Order of the Ombudsman is to be implemented. The consumer should not be deprived of her legitimate right for such inadvertent omission on her part such as non-furnishing of acceptance letter of the award passed by the Ombudsman.
5. We direct the Petitioner to furnish the acceptance letter of the award of Ombudsman immediately if she has not yet done so. At the same time the licensee CESU is directed to implement both the Orders of the GRF and Ombudsman within a fortnight in CC No. 93 of 2009 (KED) and CR Case No. 3/2010 respectively.
6. With the above direction, the case is disposed of.

Sd/-
(S. P. Swain)
Member

Sd/-
(B. K. Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson