

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. 70/2012

M/s Kalinga Metallica (P) Ltd.

... **Petitioner**

- Vrs. -

EE, AED, Anandpur, NESCO

... **Respondent**

IN THE MATTER OF : An Application under Section 142 of the Electricity Act, 2003 for the non-implementation of Order dated 25.06.2012 of the Ombudsman-II passed in C.R. Case No. N-25/2012.

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

For the Respondent: Shri K. L. Mohanty, E.E (Elect.), AED, Anandpur,
Shri S. K. Kamal Jumlat, AM (Legal), JRED, Jajpur Road.

Date of Hearing: 21.09.2012

Date of Order: 01.10.2012

ORDER

Brief fact of the case is that the petitioner is a large industrial consumer having contract demand of 4000 KVA and is getting power supply at 33 KV from Keonjhar 33/11 KV structure after executing necessary agreement. The incoming 33 KV feeder was constructed by the Petitioner which is around 15 KM long on deposit of 6% supervision charges to NESCO. No remunerative norm for construction of the line as envisaged in the Regulation of the Commission was followed by the Respondent NESCO. When all persuasion of the Petitioner to the Respondent to adopt remunerative norms failed the Petitioner filed a complaint with GRF, Jajpur Road. After hearing all the parties GRF, Jajpur Road directed the Respondent to calculate the monthly energy bills on the basis of actual meter reading and further directed to determine the remunerative norm as per OERC Regulation and ensure quality of supply to the Petitioner

2. When the direction of the GRF was not followed by the Respondent, the Petitioner filed an appeal before Ombudsman-II, Bhubaneswar. After hearing the parties, Learned Ombudsman in his Order in C.R Case No. 25/2012 dtd. 25.06.2012 directed the

Respondent to comply with all the directives of the GRF and also to reduce the contract demand of the Petitioner as per Regulation 69 of Supply Code. Even that order of the Ombudsman was not followed. The representative of the Petitioner further claimed that considering the submission of the Respondent that they are on the process of complying with the orders of GRF the Learned Ombudsman has passed the present Order on 25.06.2012. But actually the said order of the GRF, Jajpur Road dtd. 03.03.2012 is yet to be complied by the Respondent till date. Therefore, the Petitioner has moved this Forum under Section 142 of the Electricity Act, 2003 for compliance of the Orders of both GRF and Ombudsman.

3. The representative of the Respondent submitted during hearing that the 33 KV power supply line to the Petitioner is a dedicated line and the Licensee is not catering to the requirement of any other consumer through this line. The Petitioner company had submitted its willingness to avail power supply by constructing the alleged line on its own by paying 6% supervision charges as per the scheme of the thing. After lapse of three years the demand of remunerative calculation is not justified. The representative of the Respondent further brought to our notice that the prayer of the Petitioner to reduce its contract demand from 4000 KVA to 2000 KVA could not be allowed as the installed capacity of the Petitioner is more than 2000 KVA as per the report of Electrical Inspector.
4. During the pendency of the proceeding before this Commission, the Petitioner through a Misc. Case on 28.09.2012 submitted that a disconnection notice under Section 56 (1) of the Electricity Act, 2003 was issued by the respondent on 22.09.2012 directing the Petitioner to pay the arrear outstanding within 15 days failing which power supply would be disconnected.
5. After hearing all the parties we come to the conclusion that had the fact that the respondent is unwilling to implement the GRF Order was brought before the Ombudsman, his Order would have been different. He would have proceeded on the basis of merit of the Case. Therefore, the matter is remanded by the Commission to concerned Ombudsman-II for de novo adjudication.
6. Considering the prayer of the applicant for ex-parte stay of the disconnection notice issued by the respondent-licensee, we direct the Respondent-licensee not to take any coercive action against the petitioner, till disposal of the matter by the Ombudsman-II afresh.

7. Send the copies of this Order immediately to both the respondent, NESCO and the Petitioner. Accordingly the matter is disposed of.

Sd/-
(S.P. Swain)
Member

Sd/-
(B.K. Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson