

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. 72/2012

M/s Tarini Cold Storage

- Vrs. -

EE, RED, Rairangpur, NESCO

... **Petitioner**

... **Respondent**

IN THE MATTER OF : **An application under Section, 142 of the Electricity Act, 2003 for non-implementation of order dated 29.03.2012 of the Ombudsman-II passed in C.R. Case No. 05/2012.**

AND

Case No. 73/2012

M/s Kichakeswari Ice & Cold Storage (P) Ltd.

- Vrs. -

EE, RED, Rairangpur, NESCO

... **Petitioner**

... **Respondent**

IN THE MATTER OF : **An application under Section, 142 of the Electricity Act, 2003 for nn-implementation of the Order dated 29.03.2012 of the Ombudsman-II passed in C.R. Case No. 04/2012.**

For the Petitioners: Shri Falguni Rajguru Mohapatra, Advocate in both the cases .

For the Respondents: Shri Dipak Kumar Das, Executive Engineer(Elect.),
Rairangapur, RED,NESCO in both the cases.

Date of Hearing: 28.09.2012

Date of Order:01.10.2012

ORDER

Both the cases are clubbed together for analogous hearing on question of admission as well as on merit as these are arises from the Order dated 29.03.2012 passed in C.R. Case No. 04/2012 and C.R. Case No. 5/2012 by the Ombudsman-II and also in both the cases the Executive Engineer (Elect.), Rarangpur, NESCO is the respondent.

In both the cases the respondent have not implemented the orders passed by the Ombudsman-II.

2. Heard the petitioners in both the Cases on question of admission. From perusal of the case records, it is found that the petitioners have not given full and final acceptance within 30 days of the orders/awards passed or direction issued by the Ombudsman-II in C.R.Case Nos. 04/2012 and 5/2012 respectively to the said forum and the licensee as per Regulation 10 (6) of the OERC (Grievance Redressal Forum and Ombudsman) Regulations, 2004. The said Regulation is reproduced below:-

“ 10 (6). The consumer may furnish to 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.

10 (7). The licensee shall comply with the award within 15 days of the receipt of the acceptance letter under clause (6) and the licensee shall intimate the compliance to the Ombudsman.”

3. With the above observations, we disposed of both the cases by directing the petitioners to furnish the licensee and the Forum regarding full and final acceptance of the said orders of Ombudsman-II passed in C.R. Case Nos.04 of 2012 and 5 of 2012 within seven days as per reg.10(6) of the OERC (Grievance Redressal Forum and Ombudsman) Regulations, 2004 and the licensee - Respondent is also directed to comply with the aforesaid Orders of the Ombudsman-II within 15 days as per reg.10(7) of the said Regulations,2004.
4. Accordingly, the above two cases are disposed of.

Sd/-
(S.P. Swain)
Member

Sd/-
(B.K. Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson