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 Nos. 75/2012

M/s. Sonthalia Rice Mill. ..... Petitioner

Vrs.

CESU ..... Respondent

In the matter of: **An application under Section 142 of the Electricity Act, 2003 for non-implementation of order dtd. 22.08.2011 of the GRF, Bhubaneswar passed in C.C. No. 62/2011 (BED).**

For the Petitioner: Shri A K Sahani authorized representative of Petitioner

For the Respondent: Shri S C Dash, Advocate on behalf of CESU

Date of hearing: 28.09.2012 **Date of Order:19.01.2013**

ORDER

1. In the present case M/s. Sonthalia Rice Mill a large industrial consumer of CESU has filed a petition before the Commission under Section 142 of the Electricity Act,2003 for non-implementation of the order dated07.09.2011 of the GRF, CESU, Bhubaneswar passed in Consumer Ccomplaint Case No. 62/2011. Shri A. K. Sahani, the authorized representative of the M/s. Sonthalia Rice Mill-the petitioner herein submitted that it has executed an agreement with CESU to avail power at 11 KV supply for a contract demand of 200 KVA to its industrial unit situated at Basudeipur. With reference to the application, the petitioner was asked to construct a 0.8 km, three phase, 11 KV line by depositing 6% supervision charges against an estimated amount of Rs.3,24,634/- without disclosure of detailed remunerative calculation. However, the line was constructed by the petitioner himself to avail power supply from 11 KV Bhingarpur feeder emanating from 33/11 KV sub-station at Phulnakhara.

2. The representative of the Petitioner also submitted that as the length of the feeder being too long, the voltage at the site of the unit of the Petitioner is very low and there

are frequent interruptions. Though the Respondent- CESU herein has given proposal to divert the supply route from Phulnakhara primary sub-station to Naharakanta primary sub-station and installation of 33/11 KV sub-station at Balianta under Capex Programme to improve the supply system of the area. This has not taken place till date.

3. Being aggrieved by the inaction of the Respondent, the petitioner had filed Consumer Complaint Case No.62 of 2011 before the GRF,CESU, Bhubaneswar. The Learned GRF, CESU, Bhubaneswar had disposed of the said C.C. Case No.62 of 2011 on 07.09.2011 with the follwing orders:-

> ***In the above facts and circumstances we are inclined to direct the O.P. to revise the petitioner's estimate as per the remunerative scheme applicable to him under Regulation 13(1) vide Appendix-1 and accordingly adjust his ensuing energy bills within 30 days of this order.***
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> ***(ii) He shall further execute the proposed diversion of the 11KV feeder within 90 days of this order so as to maintain standard voltage and uninterrupted power supply to the petitioner's unit. He stands advise to take expeditious steps in erecting the proposed 33/11 KV substation at balianta under CAPEX programme as proposed by him.***
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> ***(iii) The O.P. shall pay an amount of Ts.500/- towards award of compensation in terms of scheduled-I under regulations 4,5 & 6 of OERC (Licensee's Standards of Performance) Regulations,2004 adjustable from the petitioner's subsequent energy bill.***
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> ***Accordingly the Case is disposed of.***

4. As the above direction of the GRF,CESU,Bhubaneswar has not carried out by the Respondent, the petitioner has filed this case under s.142 of the Electricity Act,2003 for implementation of the said order of the GRF, CESU, Bhubaneswar passed in C.C.Case No.62 of 2011 before the Commission.

5. The Respondent- CESU being aggrieved by the above Order of the GRF, Bhubaneswar passed in C.C.Case No.62 of 2011 has challenged the said Order before the High Court of Orissa in W.P.(C) No.29352 of 2011. Hon'ble High Court of Orissa admitting the Writ petition vide its Order dtd. 25.11.2011 passed in Misc.Case No.17072 of 2011 has stayed the said Order of GRF, Bhubaneswar. Thereafter the said Hon'ble Court in its interim order dated 08.08.2012 passed in Misc. Case No. 6702 of 2012 has vacated the stay of operation in Order No.(ii) of the said impugned Order of the GRF, Bhubaneswar wherein the Respondent- CESU is directed to execute the proposed diversion of the 11KV feeder within 90 days of this order so as

to maintain standard voltage and uninterrupted power supply to the petitioner's unit. CESU is also advised to take expeditious steps in erecting the proposed 33/11 KV substation at balianta under CAPEX programme as proposed by him. The representative of the Petitioner submitted that the respondent- CESU is neither responding to the Order of the GRF nor to that of the Hon'ble High Court of Orissa, which shows the callousness of and hence action should be initiated against the licensee.

6. The Respondent-CESU in its submission stated that the stay order of the Hon'ble High Court of Orissa in W.P.(C) No.29352 of 2011 does not convey a direction to the respondent to complete the diversion work within 90 days. Rather it is an instruction to carry out the order (2) of the impugned GRF order which directs to proceed with setting up of 33/11 KV substation at Balianta for which CESU is putting its all out effort to accomplish the task with in the quickest possible time.Therefore the application filed under S.142 of the Electricity Act, 2003 is not maintainable as the licensee has not contravened any provision of the Electricity Act, 2003 or Rules and Regulations made their under.

7. After hearing the parties and perusal of the case records we hold that since the issue has already been dealt at length at GRF, Bhubaneswar there is no need to analyze it further. However, the Respondent is directed to execute diversion of existing 11 KV feeder supply to the consumer as per the order of the Hon'ble High Court to expedite the construction work relating to the diversion of 11 KV feeder and erection of 33/11 KV sub-station at Balianta within a period of one month with intimation to this office and the other parts of the said order of the GRF, Bhubaneswar is applicable to both the parties as per the outcome of the above writ petition pending before the Hon'ble high Court in W.P.(C) No. 29352 of 2011.

8. With the above observation the case is disposed of.

Sd/-	Sd/-	Sd/-
(S. P. Swain)	**(B. K. Misra)**	**(S. P. Nanda)**
Member	**Member**	**Chairperson**