

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN,
UNIT – VIII, BHUBANESWAR – 751 012**

*** **

**Present : Shri S. P Nanda, Chairperson
Shri S. P. Swain, Member
Shri A. K. Das, Member**

Case No. 110/2012

**OMFED
Vrs.
NESCO**

..... Petitioner

..... Respondents

In the matter of: An Application under Sections 142 & 146 of the Electricity Act, 2003 for non-implementation of the order dated 26.05.2012 passed by the Ombudsman-II in C.R. Case No. Omb-II (N)-13 of 2012.

For the Petitioner: Shri A. K. Sahani, the authorized representative of M/s. OMFED, Shri N. C. Mishra, Plant Manager, OMFED, M/s. Keonjhar Diary.

For the Respondents: Shri Tribhuban Das, Executive Engineer (Elect.), KED, NESCO Utility.

ORDER

Date of hearing: 22.09.2015

Date of order: 18.01.2016

1. The Petitioner, M/s. OMFED Keonjhar Diary, submits that it has taken power supply from NESCO Utility with a Contract Demand of 69 KW. The energy meters of the petitioner was checked by NESCO Utility through MRT on 20.02.2009 and was found to be running slow by 33.04%. It was replaced with a new set of CT & PT and the petitioner was asked to pay an escaped energy charges of Rs.1,22,206.97 by Respondent NESCO. The Petitioner deposited the amount on 19.7.2010 under protest and approached GRF, Jajpur. The Grievance Redressal Forum (GRF) in its Case No.645/2011 dated 27.01.2012 instructed respondent to prepare the energy bill in accordance with Regulations 97 and 98 of OERC (Conditions of Supply) Code, 2004 by taking average of three months reading as the basis. Not being satisfied by the order of GRF, the petitioner again approached the Ombudsman (II)(N) for relief. Ombudsman (II)(N) in its order dated 26.5.2012 registered Case No. 13/2012 directed NESCO Utility to revise the bills by taking slow factor of the meter into account and leaving aside the subsequent Delayed Payment Surcharge(DPS). When this order of Ombudsman was not carried out the Petitioner has approached the Commission under Section 142 of the Act.

2. The representative of NESCO Utility at the time of hearing submitted that they had already waived of DPS and revised the bills in accordance with the order of GRF by taking the average of three months reading and prorating it for last six months of the detection of the defects by the MRT staff after installation of new CT & PT. The representative of the petitioner submitted that the revision of bills by NESCO Utility should have been in line with the order of the Ombudsman and not GRF. NESCO Utility should have revised the bill taking slow factor into account as per the order of the Ombudsman dated 26.5.2012.
3. Heard the parties. In our interim order dated 26.09.2015 we have directed both the Petitioner and the Respondent to sit together to resolve their issues regarding revision of electricity bills within seven days of the order and if any issue survives after that on implementation of the order of Ombudsman-II this should be submitted before the Commission within seven days thereafter.
4. But till today nothing has been submitted by both the parties. Therefore, it is concluded that the matter has been resolved through amicable settlement. There is no necessity of continuing with the present proceeding and the proceeding is dropped and closed.
5. Accordingly the case is disposed of.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S.P. Nanda)
Chairperson