

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. 20/ 2013

M/s. New Laxmi Steel and Power Ltd.Petitioner
Vrs.	
E.E. (Elect.) KED, KhurdaRespondent

In the matter of: **Application U/s. 142 of the Electricity Act, 2003 for non-implementation of order dated 15.12.2012 of the Ombudsman-I passed in C. R Case No. 49/2012.**

For the Petitioner: **Shri A. K. Sahani, authorised Representative.**

For the Respondent: **Shri J. K. Mishra, Executive Engineer, Khurda Elect. Division, CESU.**

Date of hearing:-21.10.2014

Date of order: 25.10.2014

1. The petitioner M/s. New Laxmi Steel and Power Ltd. is a large industrial consumer under KED, Khurda, CESU having a contract demand of 4.9 MVA at 33 KV supply voltage. The petitioner submitted that it has availed 4.9 MVA load for which neither remunerative calculation has been made by CESU under Clause-13 (1) of OERC (Conditions of Supply) Code, 2004 nor cost towards electrical inspection of the lines and sub-stations has been borne by them. The petitioner has constructed the lines and sub-station from his own fund by depositing 6% supervision charges with CESU. The Petitioner further alleged that CESU has directed them deposit Rs.10 lakh with OPTCL which is illegal and unlawful. The petitioner pointed out violation of tariff order by CESU.
2. For such harassment by the licensee, the petitioner moved GRF, Khurda vide C. C No. 135/2012 dated 12.06.2012 and subsequently to Ombudsman-I in C. R Case No. 49/2012 dated 15.12.2012. He alleged that in spite of Ombudsman-I holding the power supply scheme to the consumer premises as remunerative, this is yet to be complied by CESU by adjustment in the electricity bill.
3. The representative of CESU at the time of hearing submitted that it has already complied all the directives of the GRF. Regarding the benefit under remunerative scheme the petitioner is not entitled to avail the said benefit as per letter dated 22.01.2013 from COO, CESU.

4. Heard the parties at length. The order dated 15.12.2012 of the Ombudsman-I passed in C.R. Case No. Om (I)-49/2012 vide Para-7 on the subject matter is as follows:-

“x x x x on remunerative scheme a proposal have been submitted to the CESU Head Office for approval. It is likely that the CESU Head Office may consider the same. Since the order of the approval is under consideration by CESU Head Office this Forum does not intend to pass any more order till the same is cleared by CESU Head Office. Allowing remunerative calculation is fully justified. However, in case the same is not considered favourable the petitioner is at liberty to raise the issue afresh before the GRF. x x x x”

5. The authorised representative of the petitioner also submitted that the application vide letter no. 7895 dated 08.10.2012 for calculation of remunerative scheme of M/s New Laxmi Steel & Power Limited had not been approved by the Chief Operating Officer, CESU Head Office. Which was informed by letter no. CESU/Tech/1861 dated 22.01.2013 of the Chief Operating Officer addressed to the S.E.E.C No-II, Bhubaneswar, the Executive Engineer, KED, Khurda, CCO/GM (Fin.) & AGM (Law), CESU but informed to the petitioner till date for which he could not take any action.
6. After hearing the parties and perusal of the case records it is observed that even though the respondent has complied the order dated 15.12.2012 of the Ombudsman-I passed in C.R. Case No. 49/2012 except consideration of the remunerative scheme to supply power to the unit of the petitioner. Decision on the remunerative scheme was not intimated to the petitioner for which the Commission expressed displeasure for the casual approach of the licensee towards complying the orders of Ombudsman-I in the above case. However, the respondent is hereby directed to inform about the decision regarding remunerative scheme for supply power to the petitioner within 7 days from receipt of this order positively. The petitioner is also at liberty to approach to the concerned Forum if he is not satisfied with the said decision on remunerative scheme as per order of the Ombudsman.
7. Accordingly, the case is disposed of.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson