

**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. 56/2013

M/s. S.P.Minerals **Petitioner**

- Vrs. -

E.E (Elect.), KED, NESCO, Keonjhar, NESCO **Respondents**

IN THE MATTER OF : An Application under S.142 of the Electricity Act, 2003 for non-implementation of the order dated 01.03.2012 of the Ombudsman-II passed in C.R. Case No. OMB (II) N-75 of 2011.

For Petitioner: Shri A.K.Sahani, Authorised Representative.

For Respondent: Shri H.K.Panda, E.E (Elect.), KED, NESCO, Keonjhar, NESCO.

ORDER

Date of Hearing: 22.08.2014

Date of Order:25.09.2014

The petitioner M/s. S.P.Minerals, At- Bayakumutia,P.O: Suakati, Dist.-Keonjhar in the supply area of NESCO under the Executive Engineer (Elect.), KED, NESCO, Keonjhar had filed the above case u/S. 142 of the Electricity Act, 2003 for non-implementation of the order dated 01.03.2012 of the Ombudsman-II passed in C.R.Case No.Omb(II) N-75 of 2011.

2. The case is taken up today on question of admission and hearing.
3. Heard the parties at length.

4. Shri H.K.Panda, E.E (Elect.), KED, NESCO, Keonjhar, NESCO, the respondent herein submitted that he has not complied the above order of the Ombudsman-II passed in C.R. Case No. Omb(II) N-75 of 2011 as in the findings of the Ombudsman in the conclusion part while directing to revise the bill under MI category has further added to dealt under S.126 of the Electricity Act,2003 and regulate under regulation 82 & 106 of the OERC Distribution (Conditions of Supply) Code,2004 which is ambiguous.
5. The said order of the Ombudsman-II passed in C.R.Case No.Omb(II)N-75 of 2011 is reproduced below for better convenience.

“From all such findings it is concluded that:-

- A. *The petitioner’s Unit can not be changed to LI category unless his feeding source is to be improved, as he existing 100KVA transformer is much less than the Contract Demand so changed to 137 KVA. It is not technically viable at present.*
- B. *Billing should be done on MI Category and the matter may be dealt under Section 126 of the Electricity Act,2003 and regulate under 82 and 106 of the OERC (Conditions of Supply) Code,2004.*
- C. *The consumption pattern does not favour for reduction of Contract Demand. However, if the Petitioner wants for load reduction, he should be allowed within a period of one month after receiving his justification and details of connected load to retain, with observing all rules and regulations after regularization of the present dispute and payment of arrear dues.*

The Respondent is directed to regularize the billing dispute within a period of two months from the date of issue of this order with compliance to this Forum.”

X x x x x

6. After hearing the parties and perusal of the case records, the Commission observed that
- (a) The Order of the Ombudsman-II was passed on 01.03.2012 in C.R.Case No. Omb(II) N-75 of 2011.
- (b) The Petitioner has filed this petition before us on 27. 07.2013.

7. From the above it appears that the Respondent has taken no such action on the above order of the Ombudsman-II passed in C.R.Case No.Omb(II) N-75 of 2011 within the stipulated period nor within the period till 27.07.2013 and sat over the matter for nearly about seventeen months.
8. In our opinion, there is no ambiguity in the above order of the Ombudsman-II passed in the above Consumer Representation Case. Therefore, the Respondent directed to implement the order of the Ombudsman-II passed in C.R.Case No. Omb(II) N-75 of 2011 within a period of fifteen days from date of issue of this order and submit such compliance report to this office forth with. In case of non-compliance within stipulate period above Rs.5000/- (five thousand) only shall be recovered as penalty from the Respondent in addition to Rs.1000/- for each day of delay during which failure continues.
9. With the above direction the case is disposed of.

Sd/-
(A .K. Das)
Member
Chairperson

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)