

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

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

**Case No. 27/2014**

Shri Prafulla Chandra Das	.....	Petitioner
Vrs.		
E.E. (Elect.), Balasore & Others	.....	Respondents

**In the matter of:**      **An application under S.142 of the Electricity Act, 2003 for non-implementation of the order dated 18.02.2013 of the Ombudsman-II passed in C.R. Case No. N-01 of 2013.**

**For Petitioner:**      Shri Sunil Ratan Dutta, Advocate on behalf of Petitioner.

**For Respondent:**      No body is present on behalf of respondent.

**Order**

**Date of hearing: 07.07.2015**

**Date of order: 22.07.2015**

The present application has been filed by Shri Prafulla Chandra Das under S.142 of the Electricity Act, 2003 for non-implementation of the Order dated 18.02.2013 of the Ombudsman-II passed in C.R. Case No. N-01 of 2013 by the respondents. The Petitioner is a domestic consumer having a 1 KW contract load under NESCO Utility. Due to service of erroneous bill he had moved GRF, Balasore for redressal but GRF had dismissed his petition. Being aggrieved by the order of GRF, Balasore the Petitioner appealed to Ombudsman-II, Bhubaneswar. The Ld. Ombudsman-II in his order in C.R. Case No. Omb (II) N-01/2013 had directed as follows:

- a.      *The petitioner will purchase a new meter which is to be tested in respondents' laboratory including sealing of the meter body, in presence of both parties.*
- b.      *The respondents will remove both meters from the premises of the petitioner and install the joint test meter in presence of both parties including sealing of Terminal cover and TP Box.*
- c.      *The respondent will take meter reading in each month for a period of three months with acknowledgement of the petitioner or his representative.*
- d.      *Bills for the period from October, 2000 to the date of installation of the new meter is to be revised by putting per month average consumption of meter readings taken in three consecutive billing cycles.*
- e.      *Installation of the new meter in the premises of the petitioner shall be*

*completed within 15 days from the date of receipt of the new meter from the petitioner.*

- f. The respondent is to serve bills to the petitioner in each month regularly to avoid disrespect to the regulations framed by the Hon'ble Commission.*
- g. The petitioner shall pay current electricity dues regularly or else the respondent is free to take any action for disconnection of power supply as per the law.*

*The respondent is directed to implement the conclusions made above and serve a copy of the revised bill along with its calculation details to the petitioner within four months from the date of installation of the new meter and report compliance to this Forum with 4 and half months.*

*The petitioner is directed to pay the revised bill amount within 15 days from the date of receipt of the revised bill from the respondent.*

*The respondent is to carry out this order only after receipt of the letter of the acceptance of the petitioner. xxxxx."*

2. The representative of the petitioner is also submitted that as per the direction of the Ombudsman-II, the respondents had installed a new meter on 04.03.2013 in the premises of the petitioner and had taken the meter reading in each month for a period of 3 consecutive months i.e. from 27.04.2013 to 21.06.2013. But the respondents have not revised the energy bills of the petitioner taking the average consumption on the basis of meter reading as per order of the Ombudsman-II within four months. The respondents till date have also not complied the said order of the Ombudsman-II although the petitioner has been paying of his monthly electricity dues regularly.
3. After receiving the above petition the Commission has issued Show Cause Notices to Respondents on 21.03.2014 asking them why a proceeding under Section 142 of the Act will not be initiated against them for their failure to implement the order of the Ombudsman-II. But the Respondents have not replied the Show Cause Notice issued to them.
4. During the hearing Nobody was present from Respondent NESCO Utility side after repeated calls.
5. After hearing the representative of the petitioner and perusal of the case records, we express our displeasure as the Respondent- S.D.O (Electrical), Supply-II, Balia, NESCO Utility has failed to implement above order of the Ombudsman-II and has contravened the provisions of the Act.
6. Therefore, the respondents are directed to implement the above order of the Ombudsman-II within seven days from receipt of this order positively failing which

there shall be a penalty of Rs.5,000/- (Rupees Five Thousand) which shall be recovered from SDO (Electrical), Supply-II, Balia by the Competent Authority of NESCO Utility. There shall be, in addition, a penalty of Rs.1,000/- (Rupees One Thousand) per day if default persist beyond the stipulated date, till the orders of the Ombudsman-II are complied.

7. With the above directions the case is disposed of.

Sd/-

**(A. K. Das)**  
**Member**

Sd/-

**(S. P. Swain)**  
**Member**

Sd/-

**(S. P. Nanda)**  
**Chairperson**

