

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. 32 of 2014

M/s. Protection Manufacturers Pvt. Ltd. Petitioner

Vrs.

E.E. (Elect.), Khurda, CESU Respondent

In the matter of: An application u/S. 142 of the Electricity Act, 2003 for non-implementation of order dtd. 20.09.2007 of the Ombudsman (CZ) in CR Case No. OM(CZ)- 45/2007.

ORDER

Date of Order:10.06.2014

1. The factum of the case is that the petitioner who is a large industrial consumer of CESU had moved to GRF, Khurda with various grievances in the year 2007. Being dissatisfied with the decision of GRF it had approached the learned Ombudsman (CZ) for redressal of same grievances and the Ombudsman had decided the matter. When the orders of Ombudsman was not carried out by CESU, the Petitioner moved this Commission under Section 142 of the Electricity Act, 2003 which was registered as Case No. 52/2007. The Commission disposed of the matter on 17.05.2008. Now, the Petitioner approaches with a prayer that the Order of the Ombudsman has not been implemented in true letter and spirit. He further prays that the disputed bill has not been yet revised in spite of the order of the Commission; rather CESU has issued disconnection notice on 19.03.2014 stating that there has been huge outstanding bill against the Petitioner. The Petitioner further submitted that they have moved GRF, Khurda again which is still pending.
2. Basing on the petition under Section 142 of the Act the Commission had issued Show Cause Notice to the respondent CESU on 25.04.2014. The respondent CESU submitted that after a lapse of more than five years the Petitioner has filed the application with the prayer not to disconnect the power supply and to revise the bill in

true spirit of the order of the Ombudsman. The Commission in their judgement in Case No. 52/2007 dtd. 17.05.2008 have ordered as follows:

“Mr. B. K. Nayak, Advocate for the respondent is present. Nobody is present on behalf of the petitioner on repeated calls. The Advocate for the respondent stated that the licensee has reduced the contract demand and has also paid interest on the excess amount paid by the petitioner and accordingly revised the bill. As the licensee has already complied with the Ombudsman (CZ) order dtd.20.09.2007, the case is closed.”

3. The invocation of Section 142 of the Act is not required at this stage in a case where the Commission have accepted the compliance of the respondent and accordingly case was closed. CESU further submitted that a meeting was held between the Petitioner and Respondent. Basing on the outcome of the said meeting the power supply has already been restored. Therefore, the case has become in-fructuous.
4. We find force in the argument of CESU. The Case No. 52/2007 filed by the Petitioner in the Commission has been closed long ago due to compliance of CESU of the Order passed by Ombudsman. Therefore, there no justification for invocation of section 142 on the basis of this petition, since the case is already closed. Moreover, it is time barred due to limitation. Petitioner has also filed a fresh case in GRF, Khurda on the similar issue and power supply has been restored due to conciliation between the Petitioner and CESU. Therefore, there is no need in continuing in the present proceeding under Section 142 of the Act. Hence, the proceeding be dropped.
5. The case is disposed of accordingly.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson