

**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. 41/2014

CESU	Petitioner
Vrs.		
WESCO Utility	Respondent

In the matter of: **An application under Section under S.142 of the Electricity Act, 2003 for non-implementation of the order/direction dated 02.12.2013 of the OERC passed in Case No. 17 of 2013.**

For Petitioner: Shri S.K.Harichandan, AGM (Law), CESU

For Respondent: Shri K.C.Nanda, DGM (Fin.), WESCO Utility

ORDER

Date of Order:11.08.2015

The present case has arisen out of a petition under Section 142 filed by CESU for non-compliance in Case Nos.17, 18, 19/2013 of the order dated 02.12.2013 of the Commission by the Respondent WESCO Utility. In the petition CESU has alleged that the WESCO Utility has failed to pay an amount of Rs.66,74,500/- in violation of the said order. The petitioner has alleged that the WESCO Utility instead of making any payment has intentionally caused the delay by shifting the onus on Director (Finance), GRIDCO Ltd. for relaxation of escrow towards such payment. WESCO Utility also has not responded to various communications from CESU. The CESU has therefore, sought to impose a penalty of Rs.1,00,000/- (one lakh) against the respondent WESCO Utility for such violation as this mischief comes under Section 142 of the Electricity Act, 2003.

2. The respondent WESCO Utility in its reply has submitted that the said amount is being shown outstanding in their Books of Accounts and have requested Commission for special escrow relaxation in view of the financial constraints. The outstanding dues may be permitted to be paid with six monthly installments and no levy of interest or DPS on the outstanding amount be made.
3. The Commission after going through the petition of the CESU and submissions made by the respondent WESCO Utility is of opinion that this matter should have been settled mutually

between CESU & WESCO Utility in line of our direction in Para 6 of the order dated 02.12.2013. It is now certain that there is no dispute in the outstanding amount and the only contentious issue is the payment mechanism by WESCO Utility. The WESCO Utility is bound by the escrow agreement with the GRIDCO Ltd. for its payments and we are also aware that financial position of WESCO Utility is not encouraging in view of the poor revenue collection. The Commission therefore in order to give another chance to WESCO Utility, directs that WESCO Utility may approach GRIDCO Ltd. for escrow relaxation in suitable installments in mutual agreement with CESU. Since the onus of payment of outstanding dues lies with WESCO Utility it has to pay such amount through its own means. We therefore further direct that this issue shall be settled by WESCO Utility within this financial year. We also instruct GRIDCO Ltd. to consider the request of WESCO Utility in positive on acceptable terms in case it is filed to diffuse the issue.

4. The petition of CESU is accordingly disposed of.

Sd/-
(A.K. Das)
Member

Sd/-
(S.P. Swain)
Member

Sd/-
(S.P. Nanda)
Chairperson