

**ODISHA ELECTRICITY REGULATORY COMMISSION  
BIDYUT NIYAMAK BHAWAN  
PLOT NO.-4, CHUNAKOLI, SHAILASHREE VIHAR  
BHUBANESWAR - 751 021**

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**Present:      Shri U. N. Behera, Chairperson  
                 Shri A. K. Das, Member  
                 Shri S. K. Parhi, Member**

**Case No. 49/2015**

M/s. Radhesyam Sahu	.....	Petitioner
Vrs.		
E.E (Elect.), BWED, WESCO, Bargarh	.....	Respondent

**In the matter of:**      **An application under Section 142 of the Electricity Act, 2003 for non-implementation of Order dated 30.12.2008 in AFO Case No. 01 of 2008 of the DEI (T&D), Sambalpur and Order dated 01.08.2015 in Case No. 01 of 2015 of the OERC.**

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

**For Respondent:**      **Shri Amaresh Chandra Bal, Asst. Manager (Law), WESCO Utility.**

**ORDER**

**Date of hearing: 17.01.2017**

**Date of order: 31.01.2017**

The fact of the case is that the Petitioner is a consumer of WESCO Utility having a contract demand of 13 KW under LT category. In one instance the Utility Authority had served him a provisional assessment bill amounting to Rs.56070/- under Section 126 of the Electricity Act and simultaneously disconnected the power supply. When the Petitioner approached the State Consumer Redressal Forum through an appeal the said Forum directed the Petitioner herein to deposit Rs.35,000/- within one week for reconnection of power supply to his rice mill. The power supply was restored after such deposit by the Petitioner on 26.12.2006. Subsequent to this the Petitioner moved before the Appellate Authority, Sambalpur under Section 127 of the Electricity Act, 2003 which set-aside the assessment made by the Utility and directed them to refund of Rs.35,000/- to be adjusted in the electricity bills of the subsequent months. When this matter was pending before the Appellate Authority the Respondent made another provisional assessment amounting to Rs.1,12,140/- under Section 126 of the Electricity Act, 2003 and disconnected the power supply. Against this provisional assessment the Petitioner moved before the Hon'ble High Court of Orissa in WP(C) No. 1957/2009 and the said Hon'ble Court in their Order dated 03.03.2009 directed the Petitioner to deposit Rs.30,000/- and other charges and the power supply should

be restored forthwith. The said Hon'ble Court further directed that realization of balance amount of assessment shall be subject to result of the decision to be taken by the competent authority in accordance with the law.

2. After compliance of the above order by the Petitioner the power supply to the premises of the Petitioner was restored. However, no further action was taken by the Respondent Utility on the orders of the learned Appellate Authority or the Hon'ble High Court to adjust the deposited amount in the subsequent bills. The Respondent neither served the final bill against the second provisional assessment bill as per the order of the Hon'ble High Court nor refunded the deposited amount as directed by the Appellate Authority in the first assessment case. As a result the Petitioner moved this Commission for implementation of the order of the learned Appellate Authority and the Hon'ble High Court.
3. This Commission, in its order in Case No. 01/2015 found that the Respondent Utility has failed to furnish the final bill in the second assessment as per order of the Hon'ble High Court and also has failed to implement the order of the learned Appellate Authority in the first assessment case. Therefore, this Commission in its order dated 31.07.2015 in Case No. 01/2015 had directed the Executive Engineer(Elect.) of Bargarh Electrical Division, WESCO Utility to implement the order of Appellate Authority and the Hon'ble High Court within 15 days and non-compliance which shall attract penalty in terms of fines under Section 142 of the Electricity Act, 2003.
4. When the above order of the Commission was not complied by the Respondent the Petitioner moved this Commission under Section 142 again which was registered as Case No. 49/2015. The Petitioner stated that the order of Hon'ble High Court have been implemented on 23.08.2015 after lapse of more than six years which should have been implemented within three months of communication of the said order. This amounts to non-compliance of order of the Hon'ble High Court. The respondent stated that after the finalisation of the first proceeding under Section 142 in Case No. 01/2015 they have implemented both the orders of Learned Appellate Tribunal and Hon'ble High Court. The Respondent further stated that the order of the Appellate Authority has been implemented by crediting Rs.42978.07 to the account of the Petitioner in the bill of August, 2015. The final assessment order in case of second assessment has been communicated to the Petitioner on 23.09.2015 fixing the liability on the Petitioner at Rs.54952.70/-. After the above compliance of the orders of the Learned Appellate Authority and Hon'ble High Court the Petitioner has an arrear

outstanding of Rs.11974.63/- which the Petitioner is required to pay the Utility. However, the Petitioner stated that had the bill revised in time as per order of the Appellate Authority they would have outstanding of Rs.39,317/- against the Utility by September, 2010. In this regard the Petitioner has submitted a ledger abstract of his electricity account.

5. From the above submission and counter submission of the Petitioner and the Respondent it is understood that the orders of the Learned Appellate Authority and Hon'ble High Court have been implemented by the Utility as per our order in Case No. 01/2015. However, regarding transaction in the billing account both the Petitioner and the Respondent have different views. We direct that both the parties will sit with Joint Director (FA) of OERC with relevant records like ledger copy, money receipts etc for the disputed period within one month of issue of this order and he shall examine the same and find out the exact amount payable by either of the parties considering the order of Hon'ble High Court and Learned Appellate Authority. This will be binding on both the parties.
6. The proceeding against the Respondent under Section 142 is hereby dropped.
7. Accordingly, the case is disposed of.

Sd/-  
**(S. K. Parhi)**  
**Member**

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

Sd/-  
**(U.N.Behera)**  
**Chairperson**