

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

**Present: Shri A. K. Das, Member/ Chairperson
 Shri S. K. Parhi, Member**

Case No. 29/2016

Shri Dusmanta Kumar Rout	Petitioner
Vrs.		
S.D.O. (Electrical), Bhogarai & Others	Respondents

In the matter of: An application under Sec.142 of the Electricity Act, 2003 for non-compliance of Order dated 27.02.2016 of the Ombudsman-II passed in C.R. Case No. Omb(II)N-04 of 2016.

For Petitioner: No body present.

For Respondent: Bhuban Kumar Sahoo, SDO (Elect.), Bhogarai.

Order

Date of hearing: 06.12.2016

Date of order: 07.12.2016

Shri Dushamant Kumar Rout has filed the above noted case under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 27.02.2016 of the Ombudsman-II passed in C.R. Case No. Omb (II)-04/2016 wherein the Ombudsman-II has directed the respondents herein as follows:

- (i) Revise the load factor/ average bills of the petitioner from December, 2012 to August, 2015 as per Regulation 97 of the OERC Distribution (Conditions of Supply) Code, 2004
 - (ii) Section 126 of the Act is not applicable herewith and imposition of the penalty is set-aside x x x x x x .”
2. The case is taken up today for hearing on question of admission as well as on merit.
 3. During hearing, the respondent has submitted that they have complied the order of the Ombudsman-II passed in C.R. Case No. Omb (II)N-4/2016 in respect of revision of the load factor/average bills from December, 2012 to August, 2015. The bills have been revised and an amount of Rs.28860.47 has been withdrawn from the consumer/petitioner’s account as per Regulation 97 of the OERC Distribution (Conditions of Supply) Code, 2004 and the same has been reflected in the billing

month of April, 2016 of the petitioner. Regarding direction in (ii) of the said order of the Ombudsman-II, the NESCO Utility has filed a writ petition bearing W.P.(C). No. 11195 of 2016 before the Hon'ble High Court of Orissa and the Hon'ble Court by admitting the case vide their order dated 12.07.2016 in Misc. Case No.10470 of 2016 has directed no coercive action shall be taken against the Opp. Party No-2 (Petitioner herein) till the next date. The case will be listed after eight weeks.

4. After hearing the respondent and perusal of the case records, we opine that as the order of the Ombudsman has been partly implemented by the respondent and the respondent has raised objection on the non-implemented issue of the same order before the Hon'ble High Court of Orissa and the Hon'ble High Court has been pleased to issue notice against the order of the Ombudsman-II in C.R. Case No. Omb (II)-N-04/2016 on the penal amount imposed under Section 126 of the Electricity Act, 2003 in W.P.(C). No. 11195 of 2016, therefore, there is no need to proceed further in this case. The outcome of the judgment of the Hon'ble Court in the above writ petition shall be applicable to the parties herein.
5. With the above observation, the case is disposed of.

Sd/-

(S. K. Parhi)
Member

Sd/-

(A.K.Das)
Member/Chairperson