

**ODISHA ELECTRICITY REGULATORY COMMISSION  
PLOT NO.-4, CHUNOKOLI, 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. 76/2016**

Sri. Bindu Pattanaik ..... Petitioner

Vrs.

WESCO Utility & another ..... Respondents

**In the matter of:      An application petition under S.142 of the Electricity Act, 2003 for non-compliance of Order dated 09.03.2009 of the Ombudsman-II passed in C.R.Case No. (W)-21 of 2008.**

**For Petitioner      :      Shri Biswanath Pattnaik.**

**For Respondent:      Shri Amaresh Chandra Bal, AM (Legal), WESCO utility.**

**ORDER**

**Date of hearing: 02.05.2017**

**Date of order:12.07.2017**

The present case pertains to billing dispute between the Petitioner and WESCO Utility. The Petitioner had approached District Consumer Redressal Forum, Rourkela alleging deficiency in service which was disposed of on 25.10.2014 directing WESCO Utility to revise the bill till April 2004. However, the Petitioner approached State Consumer Forum against non-awarding of compensation to her by the said District Forum. But the State Consumer Forum though confirmed the order of District Consumer Forum did not award any compensation to the Petitioner.

2. The Petitioner again approached GRF, Rourkela on the same issue and the said Forum passed an order since State Consumer Redressal Forum has already addressed the issue the Petitioner has no grievance. Against the said order of GRF the Petitioner approached Ombudsman-II and he passed an award directing the WESCO authority to furnish a revised bill for which she had approached the GRF. The Ombudsman directed that upto 31.03.2006 the consumer is having 'minus arrear' of Rs.2274.29 which was to be returned to the consumer or to be adjusted in the bill for the month of 5/2006. In addition to that Ombudsman also granted compensation to the Petitioner. Then WESCO Utility filed an appeal before Hon'ble High Court challenging the award of Ombudsman since State

Consumer Forum had already decided the matter and consideration of the award by the Ombudsman on the same issue was contrary to the law. In the meantime the Petitioner filed a case before OERC for implementation of Ombudsman award. When the matter was pending before the Commission, Hon'ble High Court on 06.08.2015 passed an order in WP(C) No. 6674/2009 allowing WESCO Utility to revise the bill again and supply the same to the consumer and asking the consumer is to pay the same without default. As per the direction of the Hon'ble High Court WESCO revised the bill from June, 2006 to August, 2015 as per which the Petitioner was liable to pay Rs.6503.50 to the Respondent. Then the Petitioner filed a review petition for non-consideration of compensation as ordered by Ombudsman by the Hon'ble Court and in addition a contempt petition for non-implementation of the order of the Hon'ble High Court. When the matter stood thus OERC in their order dated 21.06.2016 disposed of the case stating that the decision of Hon'ble High Court shall be applicable in this case. Hon'ble High Court in their order dated 18.10.2016 dismissed both review and contempt petition with observation that *"it appears from the record that, the bills which the petitioner claims to have not been revised, in the mean while revised bill have already been submitted to the Petitioner by the respondent and same also petitioner has acknowledged. However, the Petitioner is at liberty to the extent that, if he is so aggrieved he may approach the appropriate forum as the matter related to purely billing dispute."*

3. Since the Hon'ble Court has not said anything on the payment of compensation in addition to bill revision which was there in the Ombudsman order the Petitioner has approached this Commission again for implementation of the same.
4. The Respondent WESCO Utility stated that as per the order of Hon'ble High Court they have revised the bill. If the Petitioner has any grievance against the revision of bill it is a fresh cause of action. In that case the appropriate forum to vent his grievance which has been referred to by Hon'ble High Court is 'Grievance Redressal Forum' and not this Commission. It has also prayed to dismiss the present Petition at the threshold as the Hon'ble High Court has adjudicated the matter and the Respondent has already revised her bill as per the said order of Hon'ble Court.
5. We heard the matter in detail. Hon'ble High Court has duly considered similar requests and pleas of the Petitioner in contempt and review petition mentioned above (Review Petition No. 265/2015 and CONTC No. 1805/2015) and passed appropriate orders and confirmed the order of Ombudsman relating to revision of bill. Therefore, the matter has been settled. The Hon'ble High Court has also granted liberty to the Petitioner to approach the appropriate

forum on the dispute of bill revision if any which is GRF in this case. The matter having been settled by Hon'ble High Court cannot be adjudicated under section 142 of the Act in this Commission further. Therefore, it needs to be rejected. We direct accordingly.

6. With this observation the case is disposed of.

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

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

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