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

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

Case No. 14/2017

Sri Rabinarayan Swain	……	Petitioner
Vrs.		
E.E (Elect.),JRED, NESCO Utility	….....	Respondent

In the matter of: An application under S.142 of the Electricity Act, 2003 for non-compliance of Order dated 20.12.2016 of Ombudsman-II passed in C.R.Case No.Omb (II) N-59 of 2016.

For Petitioner: Shri F.R. Mohapatra and Shri R.K. Behera, authorised representative.

For Respondent: Shri SK Kamal Jumlat, E.E (Elect.),JRED, NESCO Utility.

Order

Date of Hearing: 20.06.2017 **Date of Order:28.06.2017**

The fact of the present case is that one Shri Rabi Narayan Swain who is a bonafide consumer of NESCO Utility having CD 51 KW had approached GRF, Jajpur Road regarding revision of his MMFC since the year 2005. The GRF in its order dated 18.08.2016 had observed as follows:

"The Forum feels that the matter should be allowed to remain as it is till the verdict of the Hon'ble High Court is out in a similar case after which the same will be binding on both the parties."

2. Being aggrieved by the above order the GRF, Petitioner approached Ombudsman-II who in Case No. Omb (II) N – 59/2016 dated 20.12.2016 stated as follows:

"*the case relating to MMFC in case of Flexi Multi Products Ltd. is filed before the Hon'ble High Court Orissa in the year 2013 and so far it is subjudice before the Hon'ble High Court. No stay order has been obtained by the Respondent. In view of the above this Forum feels it proper to give its judgement based on the merit of the case*."

3. Accordingly, Ombudsman directed the Respondent herein to revise MMFC according to tariff order of OERC w.e.f. 2005-06 onwards within 30 days from the date of issue of that order. When order of the Ombudsman was not implemented by the NESCO Utility, the Petitioner has agitated the issue before us under Section 142 of the Act in this proceeding.

4. In response to above allegation, the Respondent stated that they have already challenged the order of Ombudsman-II before Hon'ble High Court in WP(C) No. 3167/2017. This case is still pending before the Hon'ble Court and no stay has been granted.

5. After hearing the parties we direct that since no stay has been granted by Hon'ble High Court on the orders of Ombudsman-II, the Respondent is to implement the same within 30 days from the issue of this order.

6. With above direction, the case is disposed of.

Sd/-	**Sd/-**	**Sd/-**
(S.K.Parhi)	**(A. K. Das)**	**(U. N. Behera)**
Member	**Member**	**Chairperson**