

**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. 20/2017**

M/s, Jagannath Institute of Engg. & Tech	.....	Petitioner
Vrs		
E.E (Elect.), WESCO Utility	.....	Respondent

**In the matter of:        An application under Section 142 of the Electricity Act, 2003 for non-implementation of Order dated 28.01.2017 of the Commission passed in Case No. 42 of 2016.**

**For Petitioner:        Shri Falguni Rajguru Mohapatra, the authorized representative.**

**For Respondent:        Shri B. K. Nayak, Advocate.**

**ORDER**

**Date of hearing: 12.12.2017**

**Date of order: 07.09.2018**

This is the second application of the Petitioner before this forum under Section 142 of the Electricity Act, 2003 regarding non-implementation of the order of Ombudsman. When order of the Ombudsman in CR Case No. OMB (II) (W) – 08/2015 dated 21.06.2016 was not implemented, the Petitioner approached this Commission. During hearing before us the Respondent WESCO Utility submitted that they had challenged part of the Ombudsman's order before Hon'ble High Court of Orissa in WP(C) No. 4792/2014. Therefore, the Commission in its order dated 28.01.2017 in Case No. 42/2016 directed WESCO Utility to implement the part of the order which was not challenged before Hon'ble High Court within 15 days. When this order of the Commission was not implemented, after two months the Petitioner approached us again through this petition.

2. The Respondent WESCO Utility in its submission stated that they have revised the bill by giving credit to the Petitioner in the bill. He further submitted that they have sought certain clarification on the past tariff order on the methodology of fixation of monthly minimum fixed charge. The Petitioner stated that WP(C) No. 4792/2014

filed by the WESCO Utility before Hon'ble High Court is not against the Ombudsman order but against the order of GRF, Burla in CC Case No. 55/2012-13. The Commission in their interim order dated 20.10.2017 directed the Respondent to seek clarification from the Ombudsman-II on MMFC/demand charges and comply the order of the Ombudsman within 15 days of getting such clarification. The Respondent was also directed to submit a copy of the writ petition filed before the Hon'ble High Court against the order of Ombudsman-II in CR Case No. OMB (II) (W) - 08/2015.

3. As per the interim order dated 20.10.2017 of the Odisha Electricity Regulatory Commission (OERC), the respondent WESCO Utility has sought clarification from the learned Ombudsman-II. The learned Ombudsman vide its order dated 08.12.2017 passed in C.R. Case No. 15/2017 has confirmed the previous order passed by it without modifying the order dated 21.06.2016 passed in Case No. 08/2015. Both the order passed by the learned Ombudsman-II in the above consumer representation cases have been challenged by the respondent WESCO Utility before the Hon'ble High Court of Orissa in W.P.(C). No. 9655/2018. The Hon'ble Court vide their interim order dated 14.08.2018 after hearing the parties and perusal of the case records and interim order of OERC has called for the status report of the present Case No. 20/2017 from the O.P. No-2 (OERC).
4. During pendency of Case No. 20/2017 before the Commission and also W.P.(C). No. 9655/2018 before the Hon'ble High Court of Orissa, the Respondent E.E (Elect.), Sambalpur Electrical Division, Sambalpur, WESCO Utility vide his letter No. WESCO/COO Sec./2018-933 (3)/dated 03.09.2018 has intimated the Secretary of the Commission (O.P. No.2) in W.P.(C). No. 9655/2018 that WESCO Utility has implemented the order dated 21.06.2016 passed in C.R. Case No. 08/2015 and subsequent order dated 08.12.2017 passed in C.R. Case No. 15/2017 of the Ombudsman-II by revising the MMFC/Demand Charges from the date of commencement of supply of power to M/s. Jagannath Institute of Engineering and Technology, Redhakhol, Sambalpur on the basis of recorded maximum demand. After revision of the bills the balance amount of Rs.1,14,370/- shall be refunded by way of adjustment in their subsequent bill and the same amount shall be credited to the account of the consumer in the Month of September, 2018 with intimation to the consumer. The respondent herein (WESCO Utility) has also stated in its letter that they have instructed their Advocate who is engaged in W.P.(C). No. 9655/2018 for

conducting the case before the Hon'ble High Court of Orissa to withdraw the case from the Hon'ble Court in view of the above compliance of both the orders of the Ombudsman-II passed in C.R. Case No. 08/2015 and 15/2017.

5. After perusal of the case records and the letter No. WESCO/COO Sec./2018-933 (3)/dated 03.09.2018 of WESCO Utility regarding compliance of both the Orders of the Ombudsman-II passed in C.R. Case No. 08/2015 and 15/2017, we opine that there is no need to proceed further in this matter as the above orders of the Ombudsman-II have been complied by the respondent WESCO Utility herein.
6. Send a copy of this order to the Petitioner immediately. If the Petitioner is not satisfied with the submission of M/s. WESCO Utility they are at liberty to agitate this matter before the Commission afresh.
7. Accordingly, the case is disposed of and closed.

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

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

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