

**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. 37/2017**

M/s. IDEA Cellular Infrastructure Service Ltd. Vrs.	..... Petitioner
EE, JRED, Jajpur Road, NESCO Utility & Others	.....Respondents

**In the matter of:        An application under S.142 of the Electricity Act, 2003 for non-implementation of Order dated 25.02.2017 of the Ombudsman-II, passed in Case No.37 of 2016.**

**For Petitioner:        Nobody is present.**

**For Respondent:        Shri Kalpataru Swain, Asst. Manager (F/C), JRED, Jajpur Road.**

**ORDER**

**Date of hearing: 14.08.2018**

**Date of order:04.09.2018**

This case has been filed by M/s. IDEA Cellular Infrastructure Limited under Section 142 of the Electricity Act, 2003 regarding non-implementation of the order dated 25.02.2017 of Ombudsman-II passed in CR Case No. 37/2016 wherein the learned Ombudsman has directed the respondent to withdraw the claim towards transformer loss from the bill of the consumer from the date of power supply to till date and stop billing against transformer loss any future bills, extend TOD benefit to the consumer based on the prevailing tariff order prospectively and raise the demand charge basing on the dump data available with him for the past period as per orders of OERC and also to allow OYT rebate to the consumers as per order of the GRF-Jajpur passed in Case No. 171/2014.

2. The case is taken up today for hearing. During hearing the petitioner is absent on repeated calls. The representative of the respondent submitted that NESCO Utility has challenged the said impugned order dated 25.02.2017 of the Omb.-II passed in C. R. Case No. OMB (II) N-37/2016 before the Hon'ble High Court in W.P.(C). No. 15006/2017. The Hon'ble Court vide their interim order dated 23.04.2018 in Misc.

Case No. 13755/2017 had been pleased to grant an interim stay of operation of the Ombudsman-II Order passed in C.R. Case No. 37/2016 till the next date subject to objection by the opposite parties and had posted the matter on 27.06.2018 for further hearing. However, on 27.06.2018 the above writ petition has not been listed for hearing. Therefore, the interim order of the Hon'ble Court is still continuing. The representative of NESCO Utility request the Commission to dispose of the matter as final outcome of the above writ petition would be applicable to both the petitioner and respondent herein.

3. After hearing the respondent and going through the case records, we opine that there is no need to proceed further in the matter as the order of the Ombudsman-II passed in Case No. OMB (II) N-37/2016 has been stayed by the Hon'ble High Court of Orissa in W.P.(C) No.15006 of 2017 and the outcome of the said writ petition will be applicable to both the parties herein.
4. With the above observation the case is disposed of.

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

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

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