

**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. 42/2017**

|                                 |       |            |
|---------------------------------|-------|------------|
| Shri Bharat Bhusan Deo          | ..... | Petitioner |
| Vrs.                            |       |            |
| E.E (Elect.), JRED, Jajpur Road | ..... | Respondent |

**In the matter of:**      **An application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 08.02.2017 & modified order dated 22.02.2017 of the Ombudsman-II passed in C.C. Case No. 54/2016.**

**For Petitioner:**      Shri A. K. Sahani the authorised representative.

**For Respondent:**      Shri Kalpataru Swain, Asst. Manager (Fin.) JRED, Jajpur Road, NESCO Utility.

**ORDER**

**Date of hearing: 28.08.2018**

**Date of order: 16.11.2018**

The present petition filed by Bharat Bhusan Deo, At-Baragadia, Duburi, Dist-Jajpur has filed this petition under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 08.02.2017 & modified order dated 22.02.2017 of the Ombudsman-II passed in C.C. Case No. 54/2016.

2. The representative of the petitioner submitted that the petitioner is a consumer of NESCO Utility with consumer no JJP/1-0068/L-2713 under E.E (Elect.), JRED, Jajpur Road having C.D. of 117.20 KVA with supply voltage of 11 KV. Due to over drawal of power more than the contract demand during March, 2015, the respondent issued notice vide letter no. 2129 dated 10.04.2015 for enhancement of contract demand as per Regulation 72 of the OREC Distribution (Conditions of Supply) Code, 2004. Basing on the above letter, the petitioner applied for enhancement of his CD load 117.20 KVA to 300 KVA by paying Rs. 500/- as processing fees. The respondent vide their letter dated 08.01.2016 intimated the petitioner that the proposal for enhancement of load 300 KVA cannot be considered as the arrear outstanding against Consumer No. L-2278 is Rs.1,34,43,924.76/-. On payment of the above arrear

amount necessary steps may be taken by the respondent for enhancement of load of the petitioner. The respondent without allowing enhancement in load raised the bills on over drawal charges for May, 2015 to August, 2015. Being aggrieved by the inaction of the respondent, the petitioner has moved to the GRF-Jajpur Road in C.C. Case No. 27/2016 wherein the learned GRF after hearing the parties and perusal of the case records has observed that the complainant (petitioner herein) should convey its willingness to clear the outstanding amount lying in his name through proper officially accepted documentation process and deposit at least 50% of the assessed amount to be eligible for load enhancement against consumer no. JJP/1-0068/L-2713.

3. As the GRF has not considered the grievances of the petitioner he moved to the Ombudsman-II in C.R. Case No. 54/2016. The learned Ombudsman-II vide their order dated 08.02.2017 has directed the respondent to enhance the contract demand of the petitioner from 117.20 KVA to 300 KVA w.e.f. the date of submission of complete application for enhancement in load by the petitioner and execute necessary agreement for the same. The learned Ombudsman-II on the application of the petitioner herein for modification of the above order has modified the same vide its order dated 22.08.2017 with an observation that the respondent is directed to enhance the contract demand of the petitioner from 117.20 KVA to 300 KVA w.e.f. from the date of submission of the complete application for enhancement of load by the applicant and execute the necessary agreement for the same within 30 days from the date of receipt of letter of acceptance from the petitioner. As the above order of the Ombudsman-II has not been implemented by the respondent, the petitioner filed this case here for implementation of the above order of the Ombudsman-II.
4. The representative of the Respondent herein has submitted that NESCO Utility has challenged the said impugned order dated 08.02.2017 and also modification order dated 22.02.2017 of Ombudsman-II passed in C.R. Case No. 54 of 2016 before the Hon'ble High Court of Orissa in W.P.(C) No. 14618 of 2017. Though NESCO Utility has filed an application seeking stay of operation of the above impugned order of the Ombudsman-II in the said writ petition, the same is still pending for adjudication. Now the matter is sub-judice before the Hon'ble Court for final disposal. Therefore, they have prayed to drop this proceeding under Section 142 of the Electricity Act, 2003 as the outcome of the above writ petition would be applicable to the parties herein.

5. After hearing the parties and going through the case records, we opine that as there is no interim stay of operation of the order of the Hon'ble High Court of Orissa in W.P.(C). No. 14618/2017 against the order passed by the Ombudsman-II in C.R. Case No. 54 of 2016, the respondent is directed to implement the above order of the Ombudsman-II passed in C.R. Case No. 54/2016. However, if the Hon'ble Court is pleased to grant interim stay against the order passed by the Ombudsman-II in C.R. Case No. 54/2016, then the outcome of the above writ petition will be applicable to both the parties herein.
6. With the above observation the case is disposed of.

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

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

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