

**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. 44/2017**

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 27.01.2017 of the Ombudsman-II passed in C.C. Case No. 53/2016.**

**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: 23.10.2018**

The Petitioner Shri Bharat Bhusan Deo, At-Baragadia, Duburi, Dist-Jajpur has filed the above case under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 27.01.2017 of the Ombudsman-II passed in C.C. Case No. 53/2016.

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. On verification of the bills, it is noticed that the Respondent has raised penal bills from May, 2015 to August, 2015. It is learnt from office after enquiry that such bills were raised under Section 126 of Electricity Act, 2003 due to overdrawal beyond 120% of the CD. The respondent has neither issued provisional bill nor final bill for which the petitioner is not able to take appropriate action on the matter under the Law. To avoid disconnection of power supply the petitioner has deposited the penal amount with the respondent. Further, the petitioner has moved to the GRF-Jajpur Road in C.C. Case No. 26/2016 for withdrawal of such penal bills and to refund such amount paid by the petitioner. The learned GRF has not entertained the matter as it has no power under the Electricity Act, 2003 to adjudicate the provisional/final assessment order passed by the Assessing Officer under Section 126 of the Act.

3. Being aggrieved by the such order of the GRF-Jajpur Road, the petitioner moved the Ombudsman-II in C.R. Case No. 53/2016 wherein the learned Ombudsman has directed the respondent to re-issue the final assessment order along with the calculation sheet to the petitioner within 15 days from the date of receipt of acceptance letter from the petitioner to enable him to approach before the Appellate Authority. As the above direction of the Ombudsman is not complied by the respondent, the petitioner has filed the above case here for implementation of the above order of the Ombudsman-II passed in C.R. Case No. 53/2016.
4. The representative of the Respondent herein has submitted that NESCO Utility has challenged the said impugned order dated 27.01.2017 of Ombudsman-II passed in C.R. Case No. 53 of 2016 before the Hon'ble High Court of Orissa in W.P.(C) No. 15007 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, he 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 find that as there is no interim stay of operation by the Hon'ble High Court of Orissa in W.P.(C). No. 15007/2017 against the order passed by the Ombudsman-II in C.R. Case No. 53 of 2016. The respondent is directed to implement the above order of the Ombudsman-II passed in C.R. Case No. 53/2016 if no interim stay order of the Hon'ble High Court is received within 30 days from the date of this order with intimation to the office of the Commission. 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. 53/2016, 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**