

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

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

Case No. 51/2017

M/s. Arnnadata Foods Pvt. Ltd.	Petitioner
Vrs.		
The E.E (Elect.), BED, Balugaon & another	Respondents

In the matter of: An application under Section 142 of the Electricity Act, 2003 for non-compliance of the Order dated 30.06.2017 of the Ombudsman-I passed in C. R. Case No. Om(I)-10/2017.

For Petitioner: Md. A. Allam, Advocate.

For Respondents: Shri J. K. Patra, E.E.(Elect.), BED, Balugaon, CESU, Shri Saroj Kumar Mishra, Advocate and Shri S. Ray, Advocate on behalf of the respondents-FEDCO.

ORDER

Date of Hearing: 26.09.2017

Date of Order: 14.11.2017

The present petition has been filed by one M/s. Arnnadata Foods Pvt. Ltd. who is a consumer in CESU area having a Rice Mill situated at a Pranadeipur, P/s. Balugaon, Dist- Khurdha with a CD of 214 KVA. The Petitioner comes under HT large industry category and avails power supply through own transformer having adequate capacitor bank for power factor correction. In spite of that the Respondent had been wrongly imposing power factor penalty on the Petitioner. The Petitioner, therefore, had approached GRF, Bhubaneswar, Circle II which had directed the parties to sit together and settle the power factor penalty bill. When the order of the GRF was not carried out the Petitioner appealed to Ombudsman-I vide CR Case No. OM (I)-10/2017 who in their order dated 30.06.2017 directed the Respondent to revise the electricity bill of the consumer by considering the leading power factor from the dump data. The Respondent was also directed to install the energy meter which reflects actual power factor taking into consideration the resultant VAR component and the revised final bill should be served within 30 days of the order.

2. The Respondent FEDCO who is operating as a franchisee of CESU in that area informed the Petitioner on 12.07.2017 that the disputed bill had been revised as per the order of Ombudsman I dated 30.06.2017 and an amount of Rs.2,69,266.43 had been credited to his account and the balance Rs.5,88,310.57 was to be paid to him within 15 days failing which

- the power supply would be disconnected. The Petitioner points out that the said letter dated 12.07.2017 was actually received by the Petitioner on 19.07.2017. However, the power supply to the rice mill was disconnected on 28.07.2017 causing lots of hardship to the Petitioner. But the Respondent restored the power supply on 04.08.2017 after the payment of Rs.2,00,000/- by the Petitioner.
3. The present matter was initially heard by the Commission on 29.08.2017 and the Commission in their interim order dated 05.09.2017 directed the Petitioner to pay the balance amount as per the letter dated 12.07.2017 of Divisional Manager, FEDCO within 15 days of the date of that order. In the next hearing, on 26.09.2017 the Respondent Executive Engineer, Balugaon stated that M/s. FEDCO has revised the energy bill as per the directives of Ombudsman I ignoring the power factor penalty claimed for leading power factor. He further stated that the Petitioner could have avoided the disconnection of power supply by clearing the dues within stipulated time which he has not done. M/s. FEDCO submitted that the bill could be further revised if dump data for the period prior to take over of M/s. FEDCO was available.
 4. In our interim order dated 18.10.2017 FEDCO was directed to revise the bill collecting dump data from Respondent – 1 (CESU) as per the order of the Ombudsman I dated 30.06.2017 for the entire disputed period within one month and the Petitioner was directed to make payment of the balance amount of the revised arrear bills within 15 days of receipt of the same. The Commission further directed that the current bill should be paid regularly by the Petitioner to avoid disconnection. Parties were also directed to file written submission if any by 10.10.2017. It is found that none of the parties has submitted anything.
 5. However, no further written submission was made by either of the parties. Therefore, we direct that our interim order dated 18.10.2017 has become final and the parties are directed to act accordingly.
 6. With this observation, the case is disposed of.

Sd/-
(S. K.Parhi)
Member

Sd/-
(A. K. Das)
Member

Sd/-
(U. N. Behera)
Chairperson