

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

\*\*\*\*\*

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

**Case No. 54/2017**

Shri Subash Chandra Acharya	.....	Petitioner
Vrs.		
E.E (Elect.), CESU, JED, Jagatsinghpur & Others	.....	Respondents

**In the matter of: An application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 08.03.2017 of the Ombudsman-I passed in C.R. Case No. 58 of 2016.**

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

**For Respondents: Shri Jagadish Chandra Sahu, Manager (Elect.), Jagatsinghpur. Nobody is present on behalf of ENZEN Global Solution Pvt. Ltd.**

**ORDER**

**Date of Hearing: 23.10.2018**

**Date of Order: 09.04.2019**

- The present petition has been filed by Shri Subash Chandra Acharya for non-implementation of order dated 08.03.2017 of the Ombudsman-I passed in C. R. Case No. 58/2016. The Petitioner is a consumer of CESU having CD 6 KW under GPS category as per Agreement dated 09.04.1991. The CD of the consumer was enhanced many times but billing was done erroneously in respect of MMFC and meter rent. Due to such irregularity the Petitioner has filed a case before GRF, Paradeep vide C.C Case No. 56/2016.
2. Being aggrieved with the order of GRF Paradeep, the Petitioner approached Ombudsman-I in C.R. Case No. 58/2016. The Ombudsman in its order dated 08.03.2017 has directed the respondents to revise the bill of the consumer/petitioner from 01.07.2011 to 01.04.2015 as per the Maximum Demand (MD) recorded in the meter instead of Contract Demand (CD). The Ombudsman-I has further observed that revision of demand charges from 01.04.2005 to 30.06.2011 is not possible in absence of details of dump data. But from 01.04.2010 to 31.03.2011, the bills shall be made on 18.010 KVA i.e. highest maximum demand recorded for the year 2010-11 and from April, 2011 to March, 2012, the bill shall be made on 28 KW instead of 34 KW as per the MD data available in ledger. From FY 2012-13 onwards, the MMFC shall be charged as per actual maximum demand even if recorded zero as is done for normal billing. Further, the meter rent is to be stopped after collection for 40 months from the date of replacement of meter i.e. October, 2006. The Ombudsman-I further directed the

- respondents to re-cast the bill as per his order and serve it upon the petitioner within one month from the date of issue of the order i.e. from 08.03.2017.
3. The authorized representative of the petitioner has submitted that as the above order dated 08.03.2017 of the Ombudsman-I passed in C.R. Case No-58/2016 has not been complied by the respondents, the petitioner has filed the above case under S.142 of the Electricity Act,2003 before the Commission for implementation of the said order of the Ombudsman-I.
  4. The RespondentNo.1( Manager (Elect.), JED, Jagatsinghpur in his reply has submitted that in compliance to the order dated 08.03.2017 of the Ombudsman-I passed in C.R. Case No-58/2016, the energy bills of the Petitioner have been revised and intimated to the petitioner vide letter no. 619, dated 23.05.2017. But the said revision could not be reflected in the bill for the month of June, 2017 due to internal strike of Franchisee of CESU M/s. ENZEN Global Pvt. Ltd., Jagatsinghpur. Further, as per interim order of the Commission dated 22.09.2018, the Respondent has revised the bill and has submitted to the Petitioner on 04.09.2018 along with detailed statement.
  5. The authorized representative of the petitioner submitted that as per interim order of the Commission on 22.09.2018, the respondent has served a revised bill along with the statement which is not in accordance with the order of the Ombudsman-I passed in C.R. Case No. 58/2016. The petitioner does not agree with the said revision of the bills made by the respondents. For revision of bills against MMFC for the period April, 2013 to March, 2015, the respondent has multiplied the MMFC by 18 months instead of 24 months which requires to be revised. Therefore, he prayed the Commission to direct the respondent to revise the bill of the consumer properly as per the order of the Ombudsman-I.
  6. Heard the parties at length. After perusal of the case records, the Commission observed that the revision made by CESU needs to clearly spell out the period of revision of bill and also the amount adjusted and due. The Commission, therefore, directs the respondents to clearly indicate the period of revision of the bills and also to revise the bills of the petitioner in accordance with the order of the Ombudsman-I passed in C.R. Case No.58 of 2016. The revised bills along with the detailed statements of revision of the bills are to be forwarded to the petitioner within 15 days from the date of this order. The petitioner is also directed to pay the arrear amount of the bill after such revision, if any, within 7 days thereafter.
  7. With this observation, the case is disposed of.

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

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

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