## 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. 09/2018

Sri Sukadev Poro ...... Petitioner

Vrs.

The E.E (Elect.), CED, Jobra, Cuttack ......... Respondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 for

non-implementation of Order dated 21.12.2016 of the

Ombudsman-I passed in C.R. Case No. OM(I) 82 of 2016.

**For Petitioner:** Nobody is present.

**For Respondent:** Shri B. K. Nayak, Advocate.

## **ORDER**

Date of hearing: 26.06,2018 Date of order:17.07,2018

The present case arises out of non-implementation of order dated 21.12.2016 of the Ombudsman-I in C. R. Case No. OM (I) N-82 of 2016 wherein the respondent was directed not to claim transformer loss from the date of supply to the petitioner as the consumer-petitioner had already been billed under LT Category which includes average transformer loss.

2. Shri B. K. Nayak, Advocate appearing on behalf of the Respondent has submitted that the Respondent has challenged the said impugned order dated 21.12.2016 of Ombudsman-I passed in C.R. Case No. 82 of 2016 before the Hon'ble High Court of Orissa in W.P.(C) No.5774 of 2018 and the Hon'ble Court vide their order dated 19.04.2018 in Misc. Case No.4920 of 2018 has been pleased to grant stay of operation of the above order of the Ombudsman till next date. Now the matter is sub-judice before the Hon'ble Court for adjudication. Therefore, he prayed to drop this proceeding under Section 142 of the Electricity Act, 2003.

- 3. After hearing the Counsel for 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 –I passed in C.R. Case No. 82 of 2016 has been stayed by the Hon'ble High Court of Orissa in W.P.(C) No.5774 of 2018 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