

**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. 11/2018

Smt. Khsyanaprava Sahoo	Petitioner
Vrs.		
The E.E (Elect.), CDD-II, Cuttack, CESU	Respondent

In the matter of: **An application under Section 142 of the Electricity Act, 2003 for non-implementation of Order dated 24.08.2017 of the Ombudsman-I passed in C.R. Case No. OM (I) -97 of 2017.**

For Petitioner: Nobody is present.

For Respondent: Shri Satyabrata Mohanty, Manager (Elect.), CDD-II, CESU.

ORDER

Date of hearing: 26.06.2018

Date of order: 17.07.2018

The present case arises out of non-implementation of order dated 24.08.2017 of the Ombudsman-I in C. R. Case No. 97 of 2017 wherein the respondent was directed not to include transformer loss in the bills of the consumer-petitioner henceforth, withdraw the monthly transformer losses from the initial periods and adjust the same in the future bills. The petitioner is to be treated as MI Category with effect from February, 2017 and the MMFC be revised as per recorded MD up to June, 2016 then from July, 2016 to Sept., 2016 as per MD recorded from March, 2016 to June, 2016 and then from Oct., 2016 to March, 2017 as per demand recorded in the meter and the bills be revised accordingly.

2. Shri Satyabrata Mohanty, Manager(Elect.), CDD-II, CESU, Cuttack- the Respondent herein has submitted that CESU has challenged the said impugned order dated 24.8.2017 of Ombudsman-I passed in C.R. Case No.97 of 2017 before the Hon'ble High Court of Orissa in W.P.(C) No.2031 of 2015 and the Hon'ble Court vide their order dated 29.3.2018 in Misc. Case No. 3958 of 2018 has been pleased to grant stay of operation of the above order of the Ombudsman till 26.04.2018 and thereafter, the Hon'ble Court on 26.4.2018 has been pleased to direct that the said interim stay of

operation of the Order of the Ombudsman would continue till next date. Now the matter is sub-judice before the Hon'ble Court for adjudication. Therefore, he prayed to drop this proceeding under S.142 of the Electricity Act, 2003 as the outcome of the above writ petition would be applicable to the parties herein. On repeated calls the Petitioner is absent.

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.97 of 2017 has been stayed by the Hon'ble High Court of Orissa in W.P.(C) No.2031 of 2015 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