

**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**

Case No. 20/2018

Sri Rabindranath Behera	Petitioner
Vrs.		
The E.E (Elect.), BED, Baripada, NESCO Utility	Respondent

In the matter of: **An application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 26.10.2017 passed in C.R.Case No.Om(II)N-21 of 2017 of the Ombudsman-II.**

For Petitioner: Shri Falguni Rajguru Mohapatra, Authorised representative.

For Respondent: Shri Arnab Ranjan Jena, AM (Comm.), BED, Baripada, NESCO Utility.

ORDER

Date of hearing: 10.07.2018

Date of order:23.10.2018

Shri Rabindranath Behera has filed the above case u/S. 142 of the Electricity Act, 2003 for non-implementation of order dated 26.10.2017 of the Ombudsman-II passed in C.R. Case No. 21 of 2017.

2. The authorized representative of the petitioner submitted that the petitioner is a GP consumer of NESCO Utility under BED, Baripada bearing Consumer No.SM-78526 under Samakhunta Section. Being aggrieved by the order of GRF, Balasore passed in C. C Case No. 263/2016 regarding non-revision of transmission loss, non-refund of excess meter rent and non-refund of cost of capital work, the petitioner moved to the Ombudsman-II in C.R. Case No.21 of 2017 wherein the learned Ombudsman-II has directed the respondent to revise the bill by withdrawing the transformer loss units from the account of the petitioner from the date of initial supply till date and also to collect the meter rent from the petitioner for the period of 60 months only through monthly energy bills. The above order of the Ombudsman-II has not been complied by the respondent till date.

3. The representative appearing on behalf of the respondent submitted that they have challenged the above order of the Ombudsman –II passed in C.R. Case No. 21 of 2017 before the Hon’ble High Court of Orissa in W.P.(C). No. 2034 of 2018 and the Hon’ble Court vide their interim Order dated 8.05.2018 in Misc. Case No.1810 of 2018 has been pleased to stay the operation of the above impugned order of the Ombudsman-II fixing the date of hearing to 04.07.2018. But on the said date the case has not been listed for hearing and the stay order of the Hon’ble Court has been continuing.
4. After hearing the parties and going through the case records, we opine that there is no need to proceed further in the matter u/S. 142 of the Electricity Act, 2003 as the order of the Ombudsman-II passed in C.R. Case No.21 of 2017 has been stayed by the Hon’ble High Court in W.P. (C). No. 2034/2018 vide their interim order dated 08.05.2018 in Misc. Case No.1810 of 2018. The outcome of the above writ petition by the Hon’ble Court will be applicable to the parties herein.
5. With the above observation the case is disposed of.

Sd/-

(A. K. Das)
Member

Sd/-

(U. N. Behera)
Chairperson