

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. 30/2018

Sri Haladhar Mishra Petitioner

Vrs.

The E.E (Elect.), BED, Biramaharajpur, WESCO Utility Respondent

In the matter of: **An application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 05.04.2014 of the GRF, Bolangir passed in C.C. Case No. 95 of 2014 and Order dated 02.07.2014 of the Ombudsman-II passed in C.R. Case No. OM(II)(W)-11 of 2014 and also judgment dated 09.04.2018 of the CDRF, Sambalpur passed in C.D. Case No.03/2016.**

For Petitioner: Shri Haladhar Mishra

For Respondent: Shri N. Sanjeev Kumar Rao, S.D.O (Elect.), Birmaharajpur, WESCO Utility and Shri Amaresh Chandra Bal, Asst. Manager (Legal), WESCO Utility.

ORDER

Date of hearing: 20.11.2018

Date of order:03.01.2019

The present petition has been filed by one Shri Haldhar Mishra under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 04.05.2014 of the GRF, Bolangir passed in C.C. Case No.95 of 2014 so also order dated 02.07.2014 of the Ombudsman-II passed in C.R. Case No.11 of 2014 along with the Judgment dated 09.04.2018 of the CDRF, Sambalpur passed in C.D. Case No.03 of 2016.

2. The petitioner has submitted that as the Respondent has not implemented the order of the GRF, Bolangir wherein the forum has directed the respondent to verify the money receipts and revise the bills of the petitioner from March, 1997 till June, 2014. When the above order of learned GRF was not implemented, the petitioner again approached the Ombudsman-II in C.R. Case No.11 of 2014. However, the learned Ombudsman has disposed of the matter basing on the submission of the petitioner that his dispute with the respondent has been resolved and he wants to withdraw the case.

3. Subsequently, when the petitioner found that his grievances still exist and order of GRF, Bolangir is yet to be implemented by the respondent, he approached the District Consumer Disputes Redressal Forum, Sambalpur in C.D.Case No.03 of 2016. The CDRF, Sambalpur has dismissed the above case vide their judgment dated 09.04.2018 by observing that since the matter has been adjudicated by the GRF, Bolangir, they are not going to intervene in the matter. The petitioner/Complainant is at liberty to approach the GRF, Bolangir if the order passed by them has not been implemented.
4. The representative of the respondent submitted that as per orders of the GRF, Bolangir, the bills have been revised and have been given effect to for the period January, 2002 to June, 2014 by withdrawal of Rs.7566/- as per settlement reached between the parties in course of proceeding before the Ombudsman-II in C.R. Case No.11 of 2014. Accordingly, the petitioner has withdrawn the case but now under his misconception of money receipt numbers, has raised some vague allegations against the Ombudsman-II which has no basis to be entertained. The voluntary settlement and willingness of the petitioner speaks a lot to that effect which has also been relied upon by him in this proceeding. There is no further pending grievance of the petitioner which is to be redressed and hence the present proceeding is not maintainable and liable to be dismissed. The petitioner without moving to GRF further has come here to get his grievances redressed by the Commission.
5. After hearing the parties and perusal of the records, we observe that the respondent has duly complied the order of the Ombudsman-II passed in C.R. Case No.11 of 2014 and basing on that the petitioner had withdrawn the case before the Ombudsman-II. Now, the petitioner has made allegations against the Ombudsman-II which is not entertainable here. However, if there is any irregularity in the revision of the bills of the consumer, the petitioner and the respondent are directed to sit together for reconciliation and settle the same. Thereafter, if the grievance of the petitioner still survives, he may seek legal remedy afresh.
6. With the above observation the case is disposed of.

Sd/-
(A. K. Das)
Member

Sd/-
(U. N. Behera)
Chairperson