

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

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

Case No. 56/2018

M/s. Rayet Engineering	Petitioner
Vrs.		
The E.E (Elect.), CED, Jobra, Cuttack	Respondent

In the matter of: An application under S.142 of the Electricity Act, 2003 for non-implementation of order dated 01.12.2017 of the Ombudsman-I passed in C.R. Case No.152 of 2017.

For Petitioner: Falguni Rajguru Mohapatra, authorised representative.

For Respondent: Shri Durga Shankar Das, AGM (Elect.), CED, CESU.

ORDER

Date of hearing: 30.04.2019

Date of order:06.06.2019

The present petition has been filed by M/s. Rayet Engineering, Chhatia, Cuttack under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 01.12.2017 of the Ombudsman-I passed in C.R. Case No. 152/2017.

2. The representative of the petitioner submitted that the petitioner has filed the above case as the respondent has not implemented the order of the Ombudsman-I wherein the respondent has been directed to revise the bill statement of the petitioner as per order of the GRF-Cuttack and refund the reconnection charges of Rs.600/- or adjust the excess amount collected from the petitioner in its future electricity bills. The Ombudsman –I had further directed to bill the consumer in LT tariff excluding transformer loss and provide the benefit of OYT Scheme to the consumer after replacement of one 63 KVA transformer with a 100 KVA transformer under remunerative norms.
3. The E.E (Elect.), CED, Jobra, CESU submitted that they have already complied the direction of the Ombudsman-I in respect of ToD and MMFC revision and have extended benefit of Rs.437/- and Rs.633/- in the month of November, 2017 and December, 2017 respectively. Regarding refund of reconnection charges an amount of Rs.600/- has already been credited to the consumer account in the month of March, 2018. Regarding the order of the Ombudsman-I for exclusion of transformer loss in

the ECB and extension of OYT benefit to the petitioner, CESU has filed W.P.(C). No. 7832/2018 challenging this part of the order of the Ombudsman-I before the Hon'ble High Court and the same has been admitted by the Hon'ble Court by granting an interim stay of operation of the order of the Ombudsman-I in I.A. No. 6693/2018. After disposal of the writ petition by the Hon'ble Court, the said order of the Hon'ble Court shall be binding on both the petitioner and the respondent herein. Therefore, the Commission may drop the proceeding u/S. 142 of the Electricity Act, 2003.

4. After hearing the parties and perusal of the records, we observe that the respondent has partly implemented the order of the Ombudsman-I passed in C. R Case No. 152/2017 and the remaining part of the direction of the Ombudsman-I has been challenged by the respondent before the Hon'ble High Court of Orissa in W.P.(C). No. 7832/2018 and the Hon'ble Court has been pleased to stay the operation of the order of the Ombudsman-I regarding exclusion of transformer loss and extension OYT benefit to the petitioner vide order dated 15.05.2018 in I.A. No. 6693/2018 arising out of the above writ petition. Therefore, there is no need to keep this matter in abeyance till disposal of the above writ petition by the Hon'ble Court. The order passed by the Hon'ble High Court in W.P.(C). No. 7832/2018 shall be binding on both the petitioner and respondent herein.
5. With the above observation the case is disposed of.

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson