

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

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

Case No. 59/2018

M/s. Bharat Petrol Pump Petitioner

Vrs.

E.E (Elect.), UED, Udala, Mayurbhanj Respondent

In the matter of: An application under Section 142 against the Executive Engineer (Elect.),UED, Udala, Mayurbhanj for non-compliance of the Order dated 25.04.2018 of the Ombudsman-II passed in Consumer representation Case No. 63/2017.

For Petitioner: Nobody is present.

For Respondent: Shri A. K. Das, advocate on behalf of Shri. S. C. Dash, Advocate.

ORDER

Date of hearing: 03.12.2019

Date of order:04.12.2019

The present petition has been filed by M/s. Bharat Petrol Pump under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 25.04.2018 of the Ombudsman-II passed in C.R. Case No. 63/2017. The Ombudsman-II had directed the respondent to revise the demand charges as per clause 64 of the OERC Distribution (Conditions of Supply) Code, 2004 retrospectively based on the available dump report and the tariff orders of the Commission for the respective periods, revise the bills of the consumer by withdrawing transformer loss units from bill made on the basis of LT tariff till date and not to raise further transformer loss in the bills of the Petitioner. The Respondent has not yet complied the said order of the Ombudsman-II though he was directed to comply the same within 30 days from the date of receipt of the acceptance from the Petitioner.

2. The counsel for the respondent has submitted that NESCO Utility has challenged the above order of the Ombudsman-II before the Hon'ble High Court of Orissa in W.P.(C)

No.12417 of 2018 along with Misc. Case No.10228/2018 for stay of operation of the said order of the Ombudsman-II. The Hon'ble Court vide their interim order dated 14.11.2019 has been pleased to stay the operation of the order/award dated 25.04.2018 of the Ombudsman-II passed in C.R. Case No. 63/2017 till next date i.e on 18.12.2019.

3. After hearing the parties and perusal of the records, we observe that the respondent has challenged the order dated 25.04.2018 of the Ombudsman-II passed in C. R Case No. 63/2017 before the Hon'ble High Court of Orissa in W.P.(C). NO. 12417/2018 and the Hon'ble Court has been pleased to stay the operation of the order of the Ombudsman-II vide order dated 14.11.2019 in I.A. No. 10228/2018 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. 12417/2018 shall be binding on both the petitioner and respondent herein.
4. With the above observation the case is disposed of.

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson