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. 05/2019

CESU	……	Petitioner
Vrs.		
NESCO Utility	….....	Respondent

In the matter of: **An application under S. 142 of the Electricity Act, 2003 for non-implementation of order dated 27.06.2015 of the Commission passed in Case No.69 of 2013.**

For Petitioner: Shri Nabin Kumar Mishra, Manager (Elect.), CESU.

For Respondent: Sri P. K. Mohanty, Sr. GM (Fin.), NESCO Utility.

ORDER

Date of hearing: 23.07.2019 **Date of order:29.07.2019**

The petitioner has filed this petition under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 27.06.2015 of the Commission passed in Case No. 69 of 2013.

2. The brief fact of the case is that the respondent NESCO Utility draws power from the 11KV feeder of the petitioner at Bari for providing power to the consumers of NESCO Utility under Kuakhia Electrical division. The bill is being raised by CESU-the petitioner herein to the respondent on the basis of consumption recorded in the meter installed at the above 11KV feeder. Similarly the petitioner is also drawing power from the respondent at 2 points i.e. at 11KV feeder, Arua under Cuttack Electrical Division and at 11 KV feeder Sibida under Talcher Electrical Division, Chainpal. The power drawn by CESU-Petitioner in the above two feeders are to be billed by NESCO Utility to CESU.

3. Due to non-payment of inter transaction bill CESU had filed a case before the OERC vide Case no. 69 of 2013, wherein the Commission in their order dated 27.06.2015 had directed as follows:-

"*We heard both the cases analogously. In our interim order dated 03.12.2014 we directed that all the parties to the present proceeding should sit together with Director (Engg.) of OERC on 02.12.2014 in the office of the OERC for amicable settlement of their issues raised in the above cases. Now the minutes of the said meeting is available with us. As per the decision in the said meeting NESCO Utility is required to pay Rs. 469.04495 Lakh to CESU upto March, 2013 but NESCO Utility expressed its inability to pay the arrear amount due to the fact that books of accounts for the past years have already been closed. But for the power transaction from April, 2013 onwards both the parties are ready to reconcile the figures on net import.*

After going through the minutes of the meeting we direct NESCO Utility and CESU to show the amount payable to CESU upto March, 2013 in their balance sheet. Deficit of fund cannot be taken as a ground for avoiding payment of power purchase dues to CESU. The NESCO and WESCO Utilities are to repay the liability in due course. Regarding power transaction from April, 2013 onwards the net importing utility must pay regularly to the exporting utility."

4. The representative of the respondent submitted that as per order of the Commission passed in Case No. 69/2013 the reconciled figure on account of net import of power through inter connectivity arrangement to the area of NESCO Utility stood as Rs.4,69,04,495.00 upto March, 2013 which has already been paid in full. Thereafter, the respondent engaged in the process of reconciliation of bills with the petitioner from April, 2013 onwards and has also made payment against such bills to the tune of Rs.2,13,34,907.00. He further submitted that during pendency of the above case before the Commission the disputes between the petitioner and the respondent have been amicably settled and NESCO Utility has made payment of all the arrear dues of the petitioner. Therefore, there is no further dispute regarding payment of arrear dues. He prayed the Commission to drop the proceeding as the above order of the OERC is complied.

5. The above facts submitted by the respondent has been admitted by the petitioner during the hearing. Therefore, there is no need to proceed further in this matter.

6. Accordingly, the case is disposed of.

Sd/-
(S.K.Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson