

**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. 33/2019

M/s.Gayatri Agro Oil& Food Products Petitioner

Vrs.

The E.E (Elect.), KEED, Bhawanipatna & others Respondents

In the matter of: Application under S. 142&146 of the Electricity Act, 2003 for Non-Compliance of the order dated 05.02.2019 passed in C.R.Case No. OMB (II) W-05 of 2018 of the Ombudsman-II.

For Petitioner: Nobody is present.

For Respondent: Shri Amaresh Chandra Bal, Asst. Manager (Legal) WESCO Utility.

ORDER

Date of hearing: 13.08.2019 **Date**
order:19.08.2019 **of**

The representative of the petitioner has submitted that the above petition has been filed under Sections 142 and 146 of the Electricity Act, 2003 for Non-Compliance of the order dated 05.02.2019 passed in C.R.Case No. OMB (II) W-05 of 2018 of the Ombudsman-II.

2. The Ombudsman-II while disposing of C.R. Case No. OMB(II) W-05 of 2018 has directed the respondents to refund/adjust the unspent deposit amount of Rs.60,000/-in the monthly bills of the petitioner immediately, in compliance with the order dated 30.11.2017 in Case No.222/2017 of the GRF, Bolangir, extend the benefit under remunerative scheme to the petitioner against construction of 5.7Km of 33KV line for an amount of Rs.28,86,441/- for 600KVA upgraded load with appropriate interest as per Rules and regulations in force and revise bills of the petitioner as per the above direction. The respondent was also directed to raise bills on 600KVA contract demand w.e.f. 27.09.2015 to the petitioner.

3. During hearing, the representative of the respondent submitted that being aggrieved by the above order of the Ombudsman-II WESCO Utility has filed W.P.(C) No. 11310 of 2019 before Hon'ble High Court of Orissa along with I.A. No. 18332 of 2019 for stay of operation of the above order dated 05.02.2019 of the Ombudsman-II passed in C.R. Case No. 05/2018. The Hon'ble Court vide their order dated 30.07.2019 has stayed the operation of the order dated 05.02.2019 of the Ombudsman-II passed in C.R. Case No. 05/2018 subject to condition that if ultimately the Opposite Party No-2 (respondent herein) succeeds, the petitioner shall pay the amount with interest from today pursuant to the said order of the Ombudsman-II passed in C.R. Case No. 05/2018.
4. After hearing the respondent and perusal of the case records we observe that the Respondent has challenged the order dated 05.02.2019 of the Ombudsman-II passed in C.R. Case No. 05/2018 before the Hon'ble High Court of Orissa in W.P.(C) No. 11310 of 2019. The Hon'ble Court has been pleased to stay the operation of the above order of the Ombudsman-II vide their interim order dated 30.07.2019 in Misc Case No. 9153/2019 and the said interim stay order shall continue till the disposal of the above writ petition. The outcome of W.P.(C) No. 11310 of 2019 which is pending before the Hon'ble High Court shall be applicable to both the petitioner and the respondent herein.
5. With the above observation the case is disposed of.

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson