

**ODISHA ELECTRICITY REGULATORY COMMISSION
BUDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNOKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751021**

**Present: Shri G. Mohapatra, Chairperson (Officiating)
Shri S. K. Ray Mohapatra, Member**

Case No. 34/2019

M/s.Tata Steel Ltd.	Petitioner
Vrs.		
NESCO Utility & Others	Respondents

In the matter of: Application under S. 142&146 of the Electricity Act, 2003 for Non-Compliance of the order dated 28.02.2019 passed in C.R.Case No. 42 of 2018 of the Ombudsman-II.

For Petitioner: Shri P.P. Mohanty, Advocate

For Respondents: Shri P.K. Mohanty, Sr.Advocate

ORDER

Date of Hearing: 12.04.2022

Date of Order:12.04.2022

M/s. Tata Steel Ltd., Kalinga Nagar Industrial Complex, Dangadi, Jajpur has filed the present petition under Sections 142&146 of the Electricity Act, 2003 for a direction for Compliance of the order dated 28.02.2019 passed in C.R.Case No. 42 of 2018 of the Ombudsman-II. The learned Ombudsman –II while disposing of the above Consumer Representation had directed as follows:-

- “1. The order dated 18.09.2018 of the learned GRF, Jajpur Road in Consumer Complaint Case No.85 of 2018 is set-aside.*
- 2. The additional Bill No.3214 dated 04.06.2018 of Rs.1,95,73,541/- for the period from February 2015 to October, 2015 under the head” Miscellaneous Charges” raised by the Respondent No.3(i.e. the Executive Engineer, NESCO Utility, Jajpur Road Electrical Division) is hereby withdrawn.*
- 3. The Executive Engineer(Elect.), JRED, NESCO, Jajpur Road (i.e.Respondent No.3) is directed to accordingly revise the bills of the petitioner and to refund the excess amount to the petitioner through adjustment in subsequent monthly*

energy bills in accordance with regulation 92(i) of the OERC Supply Code, 2004. He is to serve the final revised bill to the petitioner within 30 days from the date of receipt of letter of acceptance from the petitioner and file compliance within 45 days before this Authority.

The case is hereby disposed of and closed.”

2. Shri P.K. Mohanty, Sr. Counsel appearing on behalf of the respondents, has submitted that the order dated 28.02.2019 of the Ombudsman-II passed in C.R. Case No. 42/2018 has been challenged by the respondents before the Hon’ble High Court of Orissa in W.P.(C). No. 9615 of 2019 along with I.A. No. 7942 of 2019 for stay of operation of the above order of the Ombudsman-II. The Hon’ble High Court, vide their interim order dated 18.11.2019 in the above writ petition, has been pleased to stay the proceeding in Case No. 34/2019 before the Commission until further orders. Therefore, he has prayed before the Commission to keep in abeyance of the present proceeding in the above case under Section 142 of the Electricity Act, 2003 as the final outcome of the Hon’ble High Court of Orissa in W.P.(C). No. 9615 shall be binding on the parties herein.
3. The counsel appearing on behalf of M/s. Tata Steel Ltd. has agreed with submission made by the Sr. Counsel during hearing as the Hon’ble Court has stayed vide their interim order dated 18.11.2019, the proceeding in the present case till next date.
4. After perusal of the case records, the Commission opines that there is no need to immediately proceed further in the present case as the order dated 28.02.2019 of the Ombudsman-II passed in C.R. Case No. 42/2018 has been challenged by the respondents before the Hon’ble High Court of Orissa in W.P.(C). No. 9615 of 2019 and the Hon’ble Court has been stayed the operation of the above order dated 28.02.2019 of the Ombudsman-II passed in C.R. Case No. 42/2018. As the order to be passed by the Hon’ble Court in the above writ petition shall be binding on the parties herein, there is no need to proceed further in this case.
5. With the above observation the case is disposed of with liberty to file fresh petition in the event the stay order is vacated by the Hon’ble High Court.

Sd/-
(S.K. Ray Mohapatra)
Member

Sd/-
(G. Mohapatra)
Chairperson (Officiating)