
Case No. 35/2019

NESCO Utility & Others Respondents

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

Date of Order:12.04.2022

- “1. The order dated 25.06.2018 of the learned GRF, Jajpur Road in Consumer Complaint Case No.38 of 2018 is set-aside.
2. The additional bills for Rs.2,32,26,082/-, Rs.11,80,37,288/- & Rs.14,00,37,258/- Vide Bill No.5926 dated 03.11.2017,Bill No.777 dated 03.02.2018, Bill No.1224dated 01.03.2018 & Bill No. 1256 dated 03.03.2018 respectively are withdrawn.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.”

6. Shri P.K. Mohanty, Sr. Counsel appearing on behalf of the respondents submits that the order dated 28.02.2019 of the Ombudsman-II passed in C.R. Case No. 26/2018 has been challenged by the respondents before the Hon'ble High Court of Orissa in W.P.(C). No. 9618 of 2019 along with I.A. No. 7945 of 2019 for stay of operation of the above order dated 28.02.2019 of the Ombudsman-II. The Hon'ble Court, vide their interim order dated 18.11.2019 in I.A. No. 9392 of 2019, has been pleased to stay the proceeding in Case No. 35/2019 before the Commission until further orders. Therefore, he has prayed before the Commission to drop 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 W.P.(C). No. 9618 of 2019 shall be binding on the parties herein.
7. 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 High Court, vide their interim order dated 18.11.2019, has stayed the proceeding in the present case till next date.
8. After perusal of the case records, the Commission opines that there is no need to proceed further in the present case as the order dated 28.02.2019 of the Ombudsman-II passed in C.R. Case No. 26/2018 has been challenged by the respondents before the Hon'ble High Court of Orissa in W.P.(C). No. 9618 of 2019 and the Hon'ble Court has stayed the operation of the above order dated 28.02.2019 of the Ombudsman-II. Therefore, order to be passed by the Hon'ble High Court in the above writ petition shall be binding on the parties herein and hence, there is no need to proceed further in this case.
9. 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)