

**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. 45/2019

M/s. Keonjhar District Co-Operative Milk Producer Union Petitioner
Vrs.
The E.E (Elect.), AED, NESCO Utility Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 for Non-Compliance of the order dated 26.04.2019 of the Ombudsman-II passed in C.R. Case No. 43 of 2018.

For Petitioner: Shri A.K. Sahani, Authorised representative

For Respondent: Shri Sukanta Kumar Jena, Jr. Manager (Legal).

ORDER

Date of hearing: 29.10.2019

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The petitioner M/s. Keonjhar District Co-Operative Milk Producers Union has filed the present petition under S. 142 of the Electricity Act, 2003 for non-compliance of the order dated 26.4.2019 of the Ombudsman-II passed in C.R. Case No. 43 of 2018.

2. The Ombudsman-II while disposing of the C.R. Case No. 43 of 2018 has directed the respondent to change the category of the petitioner-consumer from LI to Allied Agro Industrial activities w.e.f. 29.05.2015 in accordance with Regulation 80(5)(iii) of OERC Supply Code, 2004 and to revise the bill of the petitioner treating them under Allied Agro Industrial Activities category w.e.f. 29.05.2015 till date and serve the revised bill within 30 days from the date of receipt of acceptance letter from the petitioner and file the compliance within 45 days before the Ombudsman-II .
3. The representative of the respondent submitted that the above order of the Ombudsman-II passed in C.R. Case No. 43/2018 had already been implemented in the bill for the month of July, 2019. The category of the petitioner has been changed from large industries to Allied Agro Industrial activities.

4. The Commission vide their interim order dated 26.08.2019 had directed the respondent to revise the arrear bills of the petitioner by 17.10.2019 as per the order of the Ombudsman-II passed in C.R. Case No. 43/2018 and reflect the said revision in the electricity bill of the petitioner. The respondent had also been directed to submit the compliance report before the Commission by serving a copy of the same on the petitioner.
5. The authorised representative of the petitioner has submitted that the respondent has implemented the order dated 26.04.2019 passed in C.R. Case No. 43/2018. After revision of the bills of the petitioner an excess amount of Rs. 48 lakhs is to be credited to the account of the consumer-petitioner in the bill of next month. He also prayed the Commission to direct the respondent to serve him the details of the calculation sheet of such bill revision.
6. The representative of the respondent submits that as per order of the Ombudsman-II passed in C.R. Case No. 43/2018 the previous bills of the consumer have been revised and an amount of excess Rs.48 Lakhs will be credited to the account of the petitioner in the bill of next month. As per order of the Ombudsman, the category of the petitioner-consumer has been changed from LI to Allied Agro Industrial activities w.e.f 29.05.2015 in accordance with Regulation 80(5)(iii) of OERC Supply Code, 2004. Therefore, he prays the Commission to drop the present proceeding under Section 142 of the Electricity Act, 2003.
7. Since the respondent submitted that he has complied the order of the Ombudsman-II in C.R. Case No. 43/2018 and the authorised representative of the petitioner has admitted the same, we are of the view that there is no need to proceed further in this matter. However, the respondent is directed to serve the copy of the details of the calculation for bill revision to the petitioner by 13.11.2019.
8. Accordingly, the case is closed as the order dated 26.04.2019 passed in C.R. Case No. 43 of 2018 of the Ombudsman-II has been complied.

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson