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. 50/2019

Shri Rajkishore Mahanta   ………   Petitioner

        Vrs.

Shri Dasarath Behera & anothers   …........   Respondents

In the matter of: **Application under the Electricity Act, 2003 for recall of order dated 21.02.2015 of the Commission passed in Case Nos.86 & 87 of 2012 arising out of order dated 23.06.2012 of the Ombudsman-II passed in C.R.Case Nos.68 & 69 of 2011.**

For Petitioner: Rajkishore Mohanta

For Respondent: P.K. Manna, SDO (Elect.), Khunta
                      Nobody is present on behalf of Dasarath Behera and Smt. SusamaPratihari.

ORDER

Date of hearing: 24.09.2019   Date of order:29.10.2019

Sri Rajkishore Mahanta, Ex-S.D.O(Elect.),Khunta Electrical Sub-Division, NESCO Utility has filed the above case for recall of order dated 21.2.2015 of the Commission passed in Case Nos.86 & 87 of 2012. These cases were proceedings under Section 142 of the Act arising out of non-compliance of the order dated 23.6.2012 of the Ombudsman-II passed in C.R. Case Ns.68 & 69 of 2011 wherein the Ombudsman-II had remanded the matter to the SDO(Elect.), KESD, NESCO to settle the disputed penal bill through complaint handling procedure and revise the bills served on average load factor basis as per the provisions of the Supply Code,2004.The Commission while disposing of Case Nos. 86 &87 of 2012 had observed as follows:-

"Thus, we come to the conclusion, that the respondent, SDO (Electrical), NESCO, Khunta has contravened the provisions of the Act and also contravened the direction of the Commission. Therefore, penalty amounting to Rs.5000/-(Rupees five thousand) shall be recovered from SDO, NESCO, Khunta by competent authority of the Licensee NESCO, responsible for contravention of such direction and provisions of the Act. It is placed on record that Shri Rajkishore Mohanta is the SDO, NESCO, Khunta. If the order of the ombudsman is not complied within seven working days of issue of this order a further amount of Rs.2000/-(Two thousand) for each day of default shall be recovered from SDO, NESCO, Khunta till such time the order remains uncomplied."

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2. The petitioner submitted that the above orders of the Commission had been complied by the then SDO (Elect.), Khunta, NESCO Utility Shri Rajkishore Mohanta. After revision of the bills of the consumer (Shri Dasarath Behera in Case No.86 of 2012) an amount of Rs. 11,289/- had been withdrawn. Similarly, an amount of Rs.19,105/- had been withdrawn from the bill of another consumer Smt. Susama Pratihari (Case No.87 of 2012). The said revision had been intimated to the authorized representatives of the consumers by the then SDO (Elect.) NESCO, Khunta and they agreed to the aforesaid revision of the bills and also accepted the same. Since there is no further cause of action, the petitioner in the present case has prayed for recalling of the above orders of the Commission passed in Case Nos. 86 & 87/2012.

3. The present SDO, Khunta Shri P.K. Manna also submitted that the order passed by the Commission in Case Nos. 86 & 87/2012 have been complied by the then SDO namely Shri Rajkishore Mohanta prior to his retirement. Therefore, the order passed by the Commission for imposing penalty may be recalled and NESCO authority may be directed to release the withheld amount of the petitioner herein.

4. Heard the parties. As the order passed by the Commission in Case Nos. 86 & 87/2012 have been complied by the then SDO (Elect.), Khunta, NESCO Utility Shri Rajkishore Mohanta, the penalty imposed by the Commission for non-compliance of the order of the Ombudsman-II passed in C.R. Case No. 68 & 69/2011 is hereby recalled. The NESCO authority is directed to release the withheld amount, if any, of the petitioner arising out of the present case since the petitioner has already retired from his service.

5. With the above observation the case is disposed of.

Sd/-   Sd/-

(S. K. Parhi)   **(U. N. Behera)**
Member   **Chairperson**