

**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
 Shri G. Mohapatra, Member**

Case No. 30/2020

Smt. Nayana Jena	Petitioner
Vrs		
The E.E (Elect.) CED, Balasore, NESCO Utility.	Respondent

In the matter of: **Application under Sec. 142 of the Electricity Act, 2003 for non-implementation of order dated 30.09.2019 of the GRF, Balasore passed in Case No.149/2019 and order dated 07.02.2020 of the Ombudsman-II passed in CR Case No. 32/2019.**

For Petitioner: Shri Lalit K. Maharana, Advocate

For Respondent: Shri D. R. Ray, Advocate.

ORDER

Date of hearing: 08.09.2020

Date of order: 15.09.2020

The present Petitioner Smt. Nayana Jena has filed the above case under Section 142 of the Electricity Act, 2003 for non- implementation of Order dated 30.9.2019 of the GRF, Balasore passed in C.C. Case No. 149 of 2019 and order dated 07.02.2020 of the Ombudsman-II passed in C.R. Case No. 32 of 2019 against the E.E. (Elect.), CED, NESCO Utility, Balasore. The GRF, Balasore while disposing of the C.C. Case No. 149 of 2019 has directed the Opp. Party-respondent herein to (i) review the adequacy of the security deposit for the FY 2017-18 as per provisions of regulation 20(1) and based on the calculation take necessary action as per regulation 20(2) of the Distribution Code, 2004 (ii) effect the tariff change in terms of Regulation 13(ii) of the OERC Distribution Code, 2004. The respondent is directed to implement the order within 30 days from the date of receipt of it.

2. Being aggrieved by the order of the GRF, Balasore, the petitioner has filed a consumer representation before the Ombudsman-II bearing C.R. Case No.32 of 2019 and the learned Ombudsman-II while disposing of the said C.R. Case did not accede to the petitioner's representation to direct the respondent to withdraw the transformer loss and/or proceed any further into the matter, in view of the fact that the final decision of the Hon'ble High Court of Orissa in W.P.(C) No.3385 of 2017 is yet to come, and which principle is likely to be binding on both the parties. With the above order he disposed of the matter and closed the case.
3. The respondent in his reply has stated that the order of the GRF, Balasore passed in C.C. Case No.149 of 2019 has been implemented in the billing month of Nov, 2019 and the remaining part of the said order has been implemented in the billing month of June, 2020.
4. Heard the parties. As a similar matter is sub-judice before the Hon'ble High Court in W.P.(C) No.3385 of 2017 and the order of the Ombudsman-II passed in C.R.Case No. 32/2019 is final and is not appealable before this Commission, The Petitioner is at liberty to appeal against the Ombudsman order in appropriate forum. If the Petitioner feels that certain observation of GRF order has not been dealt with by the Ombudsman, he may approach the Ombudsman for review of the said order.
5. With the above observation the case is disposed of.

Sd/-

(G. Mohapatra)
Member

Sd/-

(S. K. Parhi)
Member

Sd/-

(U. N. Behera)
Chairperson