

**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. 50/2020**

M/s. Raja Agro Cold Storage

..... Petitioner

Vrs.

The Executive Engineer (Elect.), CED, Balasore, NESCO Utility ..... Rdespondent

**In the matter of:    An Application under Section 142 of the Electricity Act, 2003 for violation of Regulations 97 & 98 of the OERC Distribution (Conditions of Supply) Code, 2004 and also challenging the order dated 21.05.2019 of the GRF, Balasore passed in Case No. 52 of 2019 and the order dated 26.09.2019 of the Ombudsman-II passed in C.R. Case No.21 of 2019.**

**For Petitioner:        Absent**

**For Respondent:     Shri Sidhrth Shankar Roy, E.E (Elect.), CED, Balasore, NESCO Utility.**

**ORDER**

**Date of hearing: 17.11.2020**

**Date of order: 26.11.2020**

M/s. Raja Agro Cold Storage, Dahapada, Balasore has filed this petition under Section 142 of the Electricity Act, 2003 for violation of Regulation 97 & 98 of the OERC Distribution (Conditions of Supply) Code, 2004 and also has challenged the order dated 21.05.2019 of the GRF, Balasore passed in Case No. 52 of 2019 and the order dated 26.09.2019 of the Ombudsman-II passed in C.R. Case no.21 of 2019.

2. The GRF, Balasore had rejected the grievances of the petitioner herein filed in Case No. 52 of 2019 saying, *it is observed that on 12.10.2018 one phase cubicle 'Y' Phase PT was burst and connected 33kV line system did not stand. The power supply to the complainant's unit was disconnected in order to keep the supply system stand and not to hamper power supply of other consumer or the same 33kV feeder. On 15.10.2018 the defective PT of the cubicle was replaced with a new one and the power supply was restored to the consumer. In this event we are of the opinion there is no need to revise the bills of the consumer, hence the complaint is rejected.*
3. Being aggrieved by the above order of the GRF the Petitioner had approached Ombudsman-II in C. R. Case No. 21/2019 in which the Ombudsman had upheld the order of GRF.
4. Due to the prevalence of pandemic COVID-19, the matter is taken up for hearing through video conferencing on question of admission as well as on merit.
5. The Executive Engineer (Elect.), CED, Balasore, NESCO Utility the Respondent herein submitted that against the order of the GRF, Balasore passed in Case No.52 of 2019 and order dated 26.09.2019 of the Ombudsman-II passed in C.R. Case No.21 of 2019, the petitioner has filed the above case before the Commission under Section 142 of the Electricity Act, 2003. The Ombudsman-II while dismissing C.R. Case no.21 of 2019 has upheld the order of the GRF, Balasore passed in Case No.52 of 2019. There is no direction to the present respondent in the above cases for implementation. He prays the Commission to drop the proceeding against the present respondent as there is nothing to comply by the respondent.
6. On repeated calls the petitioner or its authorized representative did not appear. After hearing the Respondent and perusal of the case records, we find that there is nothing to comply by the respondent as per order of the Ombudsman-II passed in C.R. Case No. 21/2019. The petitioner has challenged the order of the GRF, Balasore passed in Case No.52 of 2019 and so also order dated 26.09.2019 of the Ombudsman-II passed in C.R. Case No.21 of 2019 before this forum which is not the appellate authority under the Electricity Act, 2003 to adjudicate the matter. In the case of present nature, the Commission is only empowered to adjudicate the matter under Section 142 of the

Electricity Act, 2003 to ensure that the orders of GRF/Ombudsman are complied. In the instant case both the Fora have passed the orders against the petitioner and nothing remains to be complied by the opposite party.

7. Therefore, the case is dismissed.

**Sd/-**

**(G. Mohapatra)**  
**Member**

**Sd/-**

**(S. K. Parhi)**  
**Member**

**Sd/-**

**(U. N. Behera)**  
**Chairperson**