

**ODISHA ELECTRICITY REGULATORY COMMISSION
BUDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNOKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751021**

**Present: Shri U. N. Behera, Chairperson
 Shri S. K. Parhi, Member
 Shri G. Mohapatra, Member**

Case No. 10/2021

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| M/s. Narmada Vihar Welfare Society | | Petitioner |
| Vrs. | | |
| The J.E (Elect.), CDD-I, TPCODL & Others | | Respondents |

In the matter of: **Application under Sections 142, 146 and 149 of the Electricity Act, 2003 for non-compliance of order dated 27.04.2019 of the GRF, Cuttack passed in C.C. Case No. 485 of 2019 and also the order dated 04.11.2019 of the Ombudsman-I passed in C.R. Case No. 73 of 2019.**

For Petitioner: Shri Bhaktahari Mohanty, Advocate.

For Respondents: Shri J. K. Khuntia, Advocate on behalf of Respondents No. 1, 2 & 3 and
 Shri A. K. Sahani on behalf of Respondent No. 4.

ORDER

Date of Hearing: 06.07.2021

Date of Order: 09.08.2021

M/s. Narmada Vihar Welfare Society, Mahammadia Bazar, Cuttack has filed the above petition under Sections 142, 146 and 149 of the Electricity Act, 2003 for non-compliance of order dated 27.04.2019 of the GRF, Cuttack passed in C.C. Case No. 485 of 2019 and also the order dated 04.11.2019 of the Ombudsman-I passed in C.R. Case No.73 of 2019.

2. The Counsel for the petitioner submitted that the Petitioner is the Society of the flat owners of the Narmada Vihar Apartment situated at Mahammadia Bazar in the city of Cuttack. The Opposite Party No. 4 was the builder of the Apartment building. Even after selling all the flats of the building, this Opposite Party No. 4 is forcibly occupying the meeting hall of the Society by making illegal constructions. While fighting with several illegalities committed by the builder, the Flat owners subsequently came to know that the builder has taken three more electric connections from the transformer installed within the campus of the apartment. The transformer in question is completely a private one installed at the cost of the apartment owners for their use only. One Raj

Kishore Agarwal having no right of any kind in the property in question has absolutely no authority to take any electric connection from the said transformer and use the same. Being aggrieved by such illegalities, the Petitioners had approached GRF, Cuttack and Ombudsman-I. Even after the orders were passed by the GRF, Cuttack in C.C. Case No.485 of 2019 and subsequently confirmed by Ombudsman-I in C.R. No. 73 of 2019 the Respondent Nos.1 to 3 have not disconnected the power supply to three unauthorized electric meters in respect of consumer Account No.00717525, 00752671 and MOC-12-122843. The GRF, Cuttack while disposing of the C.C. Case No.485 of 2019 has observed that :

- “1. *The 250KVA S/S framed under estimate No.359/03-04 dated 18.03.2004 to be maintained by ‘M/s. Narmada Vihar Welfare Society’ on production of legal document on ‘M/s. Narmada Vihar Welfare Society’ by the petitioner.*
2. *The O.P. No. 1(Respondent No.2 herein) is directed to provide separate power supply to O.P.No.2 from different sources other than 250KVA S/S within 120 days from the date of issue of this order and thereafter the existing power supply from 250KVA S/S to be disconnected.”*

As the above order of the GRF-Cuttack was not complied by the respondent Nos. 1, 2 and 3, the petitioner had filed C.R. Case No.73 of 2019 before the learned Ombudsman-I and the said forum while disposing of the above consumer representation vide its order dated 04.11.2019 had directed the Respondent Nos. 1 to 3 to implement the order dated 27.04.2019 of the GRF, Cuttack passed in C.C. Case No.485 of 2019 within 30 days of issue of his order positively. The Respondent Nos.1 to 3 have not complied the above orders of the GRF, Cuttack and also the order of the Ombudsman-I. Therefore, the present case has been filed by the Petitioner for compliance of orders passed by the GRF, Cuttack in C.C. Case No.485 of 2019 and also the order dated 04.11.2019 of the Ombudsman-I passed in C.R. Case No. 73 of 2019.

3. The Counsel on behalf of the respondent Nos.1 to 3 has submitted that in compliance to the direction of the GRF, Cuttack and subsequently confirmed by Ombudsman-I the respondent Nos. 1 to 3 have disconnected the power supply to Consumer No.MCO12-122843(GPS) on 02.12.2019. The power supply to the above consumer has been provided from other sources. The domestic service connection (00717525) is a dwelling house in the aforesaid apartment building for which sanction has been made from their office for domestic connection from 11/0.4 KV 250 KVA transformer. The present case became infructuous since there is no cause of action surviving on the part of the petitioner society to proceed further. The order passed by the GRF, Cuttack in C.C.

Case No.485 of 2019 and also the order dated 04.11.2019 of the Ombudsman-I passed in C.R. Case No.73 of 2019 have been complied with.

4. Heard the parties at length. During the hearing the Petitioner has not agreed to the compliance report submitted by the Respondents Nos.1 to 3 against the orders passed by the GRF, Cuttack in C.C. Case No.485 of 2019 and also the order dated 04.11.2019 of the Ombudsman-I passed in C.R. Case No.73 of 2019. The compliance of the order has not been made to the satisfaction of the petitioner though the Respondents 1 to 3 have stated that they have complied the order of GRF subsequently confirmed by Ombudsman –I.
5. Therefore, the matter is remanded to GRF, Cuttack. The said GRF shall verify whether their order has been implemented by the respondent Nos.1 to 3 in letter and spirit. The Petitioner is directed to approach GRF, Cuttack within 15 days of receipt of this order in this regard. The GRF, Cuttack shall hear the parties on implementation of their order and give their findings. If GRF holds that their order has not been properly implemented, it shall spell out what exactly needs further to be implemented. The Respondents shall act accordingly.
6. With this observation, the case is disposed of. The Registry is directed to send a copy of this order to GRF, Cuttack along with the copy of the petition.

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson