

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

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

Case No. 16/2021

Sri Rakesh Kumar Mohanty	Petitioner
Vrs.		
The E.E (Elect.),BED, TPNODL, Balasore	Respondent

In the matter of: **Application under Sections 142 of the Electricity Act, 2003 for non-compliance of order dated 21.09.2020 of the Ombudsman-II passed in C.R.Case No.11 of 2020.**

For Petitioner: Sri Tushar Behera, the authorized representative

For Respondent: Shri Amareshwar Satpathy, E.E (Elect.),BED, TPNODL, Balasore

ORDER

Date of Hearing: 14.12.2021

Date of Order: 13 .01.2022

Sri Rakesh Kumar Mohanty, S/O. Dr.Bijay Kumar Mohanty, Remuna Golei, Januganj, Balasore has filed the present petition under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 21.09.2020 of the Ombudsman-II passed in C.R.Case No.11 of 2020. The learned Ombudsman –II while disposing of the above Consumer Representation had directed as follows:-

“1.The respondent is directed to implement the order dated 02.03.2020 in case No.60 of 2020 of the GRF, Balasore with regard to (i)Refund of meter rent (ii) Refund of excess security deposit and to refund the same by way of adjustment in the subsequent monthly energy bills of the petitioner-consumer.

2.The Respondent is directed to treat the meter installed in the LT side of the transformer as main meter and to revise the bills of the petitioner-consumer from September,2019 onwards as per the meter reading of the meter provided in LT side of the transformer.

3. The Respondent is directed to refund the cost of HT meter including metering unit to the petitioner-consumer by way of adjustment in the subsequent monthly energy bills of the petitioner-consumer.

X x x

The case is hereby disposed of and closed.”

2. Shri Amareshwar Satpathy, the E.E (Elect.), BED, TPNODL, Balasore, the Respondent herein has submitted that being aggrieved by the said order dated 21.09.2020 of the Ombudsman-II passed in C.R. Case No.11 of 2020, the licensee has challenged the same before the Hon'ble High Court of Orissa in W.P.(C) No. 1103 of 2021. The Hon'ble Court after hearing both the parties, has been pleased to stay the operation of the above order dated 21.09.2020 of the Ombudsman-II passed in C.R. Case No.11 of 2020 vide their order dated 23.11.2021 in I.A No.535 of 2021 till the next date with a caveat that no coercive action shall be taken regarding disconnection of power supply to the Opp. Party No.2 (Petitioner herein) and the said interim stay order of the Hon'ble Court is still continuing. Therefore, he prays the Commission to drop the present proceeding under Section 142 of the Act as the final order passed by the Hon'ble High Court in W.P.(C) No. 1103 of 2021 would be applicable to the parties herein. The authorized representative of the petitioner has agreed to the above submissions of the respondent.
3. After perusal of the case records, the Commission opines that there is no need to proceed further in the present case as the order dated 21.09.2020 of the Ombudsman-II passed in C.R. Case No.11 of 2020 has been challenged by the Respondent before the Hon'ble High Court in W.P.(C) No. 1103 of 2021 and the Hon'ble Court has stayed the operation of the above order dated 21.09.2020 of the Ombudsman-II passed in C.R. Case No.11 of 2020. As the order to be passed by the Hon'ble Court in the above writ petition shall be binding on the parties herein, there is no need to proceed further in this case.
4. With the above observation the case is disposed of.

Sd/-
(G. Mohapatra)
Member

Sd/-
(U. N. Behera)
Chairperson