

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT 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. 26/2021

M/s. Konark Ceramics	Petitioner
Vrs.		
The E.E (Elect.), AED, TPCODL, Athagarh, Cuttack	Respondent

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 28.01.2021 of the Ombudsman-I passed in C.R.Case No.104 of 2020.**

For Petitioner: Shri R. K. Behera, the authorized representative

For Respondent: Shri Pabitra Mohan Sahu, E.E (Elect.), AED, TPCODL, Athagarh, Cuttack

ORDER

Date of hearing: 22.06.2021

Date of order: 30.06.2021

M/s. Konark Ceramics, Ramanagar, P.O: Khuntuni, Dist-Cuttack has filed this application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 28.01.2021 of the Ombudsman-I passed in C.R. Case No.104 of 2020.

2. Due to Covid-19 pandemic situation, the Commission had decided to hear the matter through Video Conferencing in the Virtual Court on 22.06.2021. Accordingly the parties had been intimated.
3. The application of M/s. Konark Ceramics, Ramanagar, P.O: Khuntuni, Cuttack was taken up for hearing. The authorized representative of the petitioner submits that the above case under Section 142 of the Electricity Act, 2003 was filed due to non-compliance of the order dated 28.01.2021 of the Ombudsman-I passed in C.R. Case No.104 of 2020. The Ombudsman-I while disposing of the case had directed the Opp. Party-respondent herein to comply the order dated 29.10.2020 of the GRF, Cuttack passed in C.C. Case No.403 of 2020 within a month, failing which the petitioner

would be at liberty to approach the OERC under Section 142 and 146 of the Electricity Act, 2003 for enforcement of such order of the GRF, Cuttack.

4. The E.E. (Elect.), AED, TPCODL, Athagarh, Cuttack submits that the respondent has complied the said order dated 28.01.2021 of the Ombudsman-I passed in C.R. Case No.104 of 2020 arising out of order dated 29.10.2020 of the GRF, Cuttack passed in C.C. Case No.403 of 2020 in letter and spirit. The compliance report has been intimated to the consumer. Therefore, he has prayed the Commission to drop the proceeding initiated under Section 142 of the Electricity Act, 2003 as the order dated 28.01.2021 of the Ombudsman-I passed in C.R. Case No. 104 of 2020 has been complied.
5. The authorized representative of the petitioner has raised objection that the respondent has not complied the above order of the Ombudsman-I passed in C.R. Case No.104 of 2020 arising out of C.C. Case No. 403 of 2020 in letter and spirit.
6. Since the respondent says that he has complied the order of the Ombudsman-I passed in C.R. Case No. 104 of 2020 arising out of C.C. Case No. 403 of 2020 in letter and spirit and the petitioner does not agree with such compliance, we are of the view that the matter be remanded to the GRF, Cuttack to look at the case of the petitioner and see if its order passed in C.C. Case No.403 of 2020 has been complied by the Respondent in letter and spirit. The registry is directed to serve a copy of this order along with the petition to the GRF, Cuttack for necessary action at their end.
7. Accordingly, the case is closed as the matter is remanded to the GRF, Cuttack to see if its order passed in C.C. Case No.403 of 2020 has been complied by the Respondent in letter and spirit.

Sd/-

(G. Mohapatra)
Member

Sd/-

(S. K. Parhi)
Member

Sd/-

(U. N. Behera)
Chairperson