

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

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**Present: Shri S.C. Mahapatra, Chairperson  
Shri G. Mohapatra, Member  
Shri S. K. Ray Mohapatra, Member**

**Case No. 48/2021**

Shri Trilochan Rout ..... Petitioner  
Vrs.

The S.E (Elect.), PED, Paradeep, TPCODL & Another ..... Respondents

**In the matter of: Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 06.04.2021 of the Ombudsman-I passed in C.R.Case No.55 of 2021.**

**For Petitioner:** Absent.

**For Respondents:** Shri Pratap Kumar Swain, Executive Engineer (Elect.), KED-II, Marshaghai.

**ORDER**

**Date of Hearing: 11.04.2023**

**Date of Order: 11.04.2023**

The instant petition was filed by the Petitioner, Shri Trilochan Rout of Kalabuda, Kendrapara for non-compliance of the order dated 06.04.2021 of the Ombudsman-I passed in C.R.Case No.55 of 2021 arising out of Judgment dated 21.12.2020 of the GRF, Paradeep passed in C.C.Case No.GRF/KED-II/778/2020.

2. The learned GRF, Paradeep while disposing of the above Consumer Complaint Case No.GRF/KED-II/778/2020 had observed as follows:-

“In the instant case when the complainant fulfills his lawful occupation over the premises to which power supply required as per Regulation 7(a) of OERC Code 2019 then there is no further requirement of approval from Endowment as sought by O.P. No.1. So we are inclined to direct the O.P. No.1 to approve the estimate forthwith without insisting any approval from Endowment. However, as the premises occupied through the meaning of Hereditary Trustee of Shri Baladevjew Bije Icchapur, this forum feels it proper to direct the complainant to execute an indemnity

bond in view of Regulation 14 of OERC Code, 2019. That apart the O.P. No.2 also directed to supply electricity to the complainant after completion of all formalities but not exceeding 15 days from the date of this order.”

3. As the above order of the GRF, Paradeep was not complied with by the Respondents-licensee, the Petitioner filed a Consumer Representation Case before the Ombudsman-I in C.R. Case No.55 of 2021. The learned Ombudsman –I vide his order dated 06.04.2021 disposed of the said Consumer Representation Case with a direction to the O.Ps.(Respondents herein) to comply with the above order of the GRF, Paradeep passed in C.C. Case No.778 of 2020 within a month, failing which the Petitioner would be at liberty to approach the OERC for necessary redressal of his grievance.
4. The directions of both the Forums having not been complied with by the Respondents, the present petition was filed by the Petitioner invoking the provisions under Section 142 of the Electricity Act, 2003 for compliance of the order of the said Authorities as referred to above.
5. While the matter stood thus, being aggrieved by the order dated 06.04.2021 of the Ombudsman-I passed in C.R. Case No.55 of 2021 arising out of Judgment dated 21.12.2020 of the GRF, Paradeep passed in C.C. Case No.GRF/KED-II/778/2020, the Respondent-licensee filed a Writ petition before the Hon’ble High Court of Orissa in WP(C) No.16602 of 2021. The Hon’ble High Court while disposing of the above Writ petition has observed as follows:-

“ 18. x x x

xxx

xxx

*In absence of such consent of the owner of the property, the indemnity bond cannot be made substitute, inasmuch as such practice is not recognized by law. That apart, we have seen how the hereditary right in absence of any nomination can only be determined by the Commissioner. As such, the order dated 21.12.2020 passed by the GRF, in C.C. Case No.GRF/KED-II/778/2020, Annexure-5 to the writ petition and subsequent order dated 06.04.2021 passed by the Ombudsman-I in C.R. Case No. 55 of 2021, Annexure-8 to the writ petition are liable to be set aside. It is ordered accordingly.*

*19. The Opposite party No.4 may seek the permission or no objection from the Commissioner or the trust Board for the said electricity connection. If the Trust Board or the Commissioner of Endowment, permits the Opposite Party No.4 on due consideration to have the electricity connection, as prayed, as the occupier of the premises, the Petitioners shall be under legal obligation to provide the electricity connection to the Opposite Party no.4 subject to compliance of other requirement, as prescribed by law.*

***20. In the result, this writ petition stands allowed. However, in the circumstances, there shall be no order as to costs.”***

6. On perusal of the aforesaid order of the Hon’ble High Court, the Commission is of the view that the said order of Hon’ble Court shall prevail over the parties and in that view of the matter, this Commission cannot direct the Respondents-Licensee to act upon the order dated 06.04.2021 passed by the Ombudsman-I in C.R. Case No. 55 of 2021 and the order dated 21.12.2020 of the GRF, Paradeep passed in CC Case No.778 of 2020.
7. Accordingly, the Petition to enforce the order of both the Forums as referred to above stands dismissed.
8. The parties are to act upon above mentioned direction of Hon’ble High Court passed in WP(C) No.16602 of 2021.

**Sd/-  
(S. K. Ray Mohapatra)  
Member**

**Sd/-  
(G. Mohapatra)  
Member**

**Sd/-  
(S. C. Mahapatra)  
Chairperson**