

**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. 56/2021

M/s. Shivashakti Plast (P) Ltd. Petitioner
Vrs
The Executive Engineer (Elect.), CED, Jobra, TPCODL, Dist.-Cuttack Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 13.03.2020 of the Ombudsman-I passed in C.R. Case No.8 of 2020.

For Petitioner: Shri Tushar Behera, the authorized representative

For Respondent: Shri Naresh Sahoo, E.E (Elect.), CED, Jobra, TPCODL

ORDER

Date of hearing: 17.08.2021

Date of order: 04.10.2021

The petitioner M/s. Shivashakti Plast Pvt. Ltd., Nischinta, Cuttack has filed the present case under Section 142 of the Electricity Act, 2003 for non compliance of order dated 13.03.2020 of the Ombudsman-I passed in C.R. Case No.08/2020 by the Executive Engineer(Elect.), CED, Jobra, TPCODL, Cuttack.

2. During virtual hearing the authorized representative of the petitioner has submitted that the petitioner is a consumer of TPCODL under Choudwar Electrical Subdivision and has executed an agreement with the respondent for supply of power to its business unit. As per the said agreement the CD is 80 KW and power supply is in MI category through (HT) 11KV supply by its own transformer of capacity of 150 KVA. The respondent raised the bills on MI tariff and on HT category. Being aggrieved by the bills raised by the respondent, the petitioner had filed C.C. Case No. 992/2019 before the GRF, Cuttack for revision of MMFC Bills. The learned GRF, Cuttack had disposed the said complaint on 31.12.2019 with a direction to the present respondent to recast the bills of the petitioner from March, 2019 to May, 2019.
3. Being aggrieved by the said order of the GRF, Cuttack, the petitioner had filed another case before the Ombudsman I and the learned Ombudsman – I while disposing of the

above C.R Case No. 08/2020 vide its order dt.13.03.2020 has directed the respondent as follows:

“The Opposite Party has reviewed the security deposit amount and recorded in the data base and have credited the interest to the Petitioner.

The Opposite Party is hence-forth directed to revise the MMFC since initial power supply till date and provide the updated revised bill to the Petitioner within 30 days of this order, failing which they are liable to compensate the consumer Rs.50/- per day in automatic manner for not effecting the resolution of the complainants as per Proposed Guaranteed Standard of Performance and level of compensation to consumer for default as per Schedule-III of Regulation-5 of OERC (Licensee Standard of Performance) Regulation, 2004.”

4. As the above order of the Ombudsman-I has not been complied by the respondent, the petitioner has filed this case here for compliance of the above order of the Ombudsman-I.
5. The Executive Engineer, CED, Jobra, Cuttack has submitted that the power supply to the petitioner was effected in the month of May, 2018 with CD 80 KW and with MI tariff. As per the order of the Ombudsman-I stated above, the respondent has revised the MMFC of the Petitioner from the month of May, 2018 to March, 2020 and excess amount paid by the Petitioner has been credited in the bill of September, 2020. An amount of Rs.2,89,416/- is credited in the bill for the September, 2020 which includes the credit for MMFC revision and security deposit revision. Therefore, the order of the Ombudsman-I is fully complied and he prays the Commission to drop the present proceeding under section 142 of the Electricity Act, 2003 as the above order of the Ombudsman-I has been complied by the respondent in letter and spirit.
6. The Petitioner in its rejoinder has stated that though the bill is revised but no dump report of the meter has been supplied with the bill to verify the maximum demand basing on which the bill has been revised. The Respondent has also not revised the MMFC for the period from April, 2020 onwards. The Respondent has revised the bill in the month of September, 2020 though Ombudsman-I in his order dated 13.03.2020 has clearly directed to revise the bill within 30 days of his order failing which compensation is payable.
7. Heard the parties at length and after perusal of the case records we find that the Ombudsman-I has directed on 13.03.2020 in his order to revise the bill till that date within 30 days of that order. However, the Respondent has effected the revision and gave the consequential benefit to the consumer in the bill for the month of September, 2020. As per the Ombudsman order the bill was to be revised within the month of

April, 2020 but this was not done. Therefore, a compensation as directed by Ombudsman-I is payable by the Respondent from April, 2020 to September, 2020. The disputed bill revision is not complete if it cannot be verified by the party who has raised the objection to the bill.

8. Therefore, considering the above we direct the Respondent to provide dump report of the meter reading to the consumer from the billing month of May, 2018 (date of initial supply) to September, 2020 (date of bill revision) for his verification. Similarly, the Respondent is directed to pay compensation to the consumer from 13.04.2020 to the billing date for the month of September, 2020 as per the direction of Ombudsman-I. This order should be complied with within a month of issuance.
9. The case is disposed of accordingly.

Sd/-
(G.Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson