

**ODISHA ELECTRICITY REGULATORY COMMISSION  
BIDYUT NIYAMAK BHAWAN  
PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,  
CHANDRASEKHARPUR,  
BHUBANESWAR-751021  
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**Present: Shri U. N. Behera, Chairperson  
Shri G. Mohapatra, Member**

**Case No. 83/2021**

M/s. Maharaja Minerals (P) Ltd., ..... Petitioner  
Vrs  
The Executive Engineer (Elect.), AED, Anandapur, Keonjhar ..... Respondent

**In the matter of:** Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 18.12.2020 of the GRF, Jajpur Road passed in C.C. Case No. 26 of 2021 and order dated 29.04. 2021 of the Ombudsman-II passed in C.R. Case No. 14/2021.

**For Petitioner:** Shri Tushar Behera, authorized Representative

**For Respondent:** Shri Chittaranjan Mistry, E.E (Elect.), AED, Anandapur, TPNODL

**ORDER**

**Date of Hearing: 07.12.2021**

**Date of Order: 23.12.2021**

The petitioner M/s. Maharaja Minerals (p) Ltd. has come up with an application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 18.12.2020 of the GRF, Jajpur Road passed in C.C. Case No. 26 of 2020 and order dated 29.04.2021 of the Ombudsman-II passed in C.R. Case No. 14/2021. The learned GRF, Jajpur while disposing of C.C. Case No. 26 of 2020 vide their order dated 18.12.2020 has directed as follows:

*“On perusal of the documents submitted by the petitioner and the Respondent thereof, directs the respondent*

- a. To implement the order of the Hon'ble High Court of Orissa in this regard.*
- b. To withdraw the transformer loss claimed after 4 months from the month of installation of LT meter to May, 2020 as per clarification of the OERC in RST order for FY 2018-19.*
- c. To revise the MMFC since 03/2009 onwards as per Regulation 117 of the OERC Supply Code, 2019.*
- d. To review the security deposit amount under Regulation 53 of the OERC Supply Code, 2019 and*
- e. The interim order given earlier shall continue till revision.”*

2. As the above order of the GRF, Jajpur Road was not complied by the respondent, the petitioner herein approached the Ombudsman-II in C.R. Case No. 14 of 2021 for implementation of the same. The learned Ombudsman-II vide its order dated 29.04.2021 while disposing of the Consumer Representation case has directed as follows:

*“During the hearing, the Respondent agreed for compliance of the said order of the learned GRF, Jajpur Road. But the Petitioner is not complying the order of the Hon’ble High Court of Orissa for enhancement of his load from 65 KW to 95 KW. Hence, the Petitioner is directed to make compliance as per direction of the Hon’ble High Court of Orissa for enhancement of his load from 65 KW to 95 KW.*

*After compliance of the order of the Hon’ble High Court of Orissa by the Petitioner, this Authority also direct the Respondent to comply the above order of the Ld. GRF, TPNODL, Jajpur Road passed on dated 18.12.2020 in Case No. 26/2020 within a month hence, failing which the petitioner would be at liberty to approach the Hon’ble OERC for enforcement of such order of the Ld. GRF under Section 142 & 146 of the Electricity Act, 2003 particularly when this Authority is not empowered to enforce such order of the Ld. GRF and it is only administratively instructed by the Hon’ble OERC to direct the respondent for enforcement of order of the Ld. GRF.”*

3. The authorized representative of the petitioner submits that as per the order dated 30.07.2019 of the Hon’ble High Court of Orissa passed in W.P.(C) No.9464 of 2009, the petitioner had submitted all the required documents and fees for enhancement of its contract demand from 65 KW to 95 KW on 12.05.2021 which was delayed due to obtaining of the report of the Electrical Inspector for enhancement of load but till now the respondent has remained silent to implement the above orders of the Forums and also the order of the Hon’ble High Court.
4. The Executive Engineer (Electrical), AED, Anandpur, TPNODL (the then NESCO Utility) has submitted that as per the order dated 18.12.2020 of the GRF, Jajpur Road passed in C.C. Case No. 26 of 2020 and order dated 29.04.2021 of the Ombudsman-II passed in C.R. Case No. 14 of 2021, permission has been issued from the S.E.(Electrical), Electrical Circle, Keonjhar vide letter No. EC/2381(5) dated 29.10.2021. The disputed bill will be revised after issue of monthly bill in MI tariff as soon as the party paid the additional security deposit amount and executed the agreement with the circle office.
5. He also submitted that in obedience to the order dated 30.07.2019 of the Hon’ble High Court of Orissa passed in W.P.(C) No.9464 of 2009 for enhancement of load from 65 KW to 95 KW of the Petitioner a letter bearing No.3815(3) dated 5.11.2020 was issued to the petitioner for submission of required documents for enhancement of load from

65KW to 95 KW. As the petitioner denied to submit the required documents for enhancement of load from 65KW to 95KW vide its letter No. MMPL/2020-21/050 dated 04.01.2021, the Respondent has implemented the said order of the GRF, Jajpur Road and intimated such compliance to the petitioner vide letter No. FC/CO/266/842(2) dated 29.01.2021 wherein it is noted as “*the consumer is billed under large industrial category with CD 132KVA from December,2020. Net differential amount of Rs.26,04,495.56 (debit on account of reclassification under large industrial category for the period from July,2009 to December,2020 amounting to Rs.27,31,463.41/- and withdrawal amount of Rs.1,26,967.56/- on account of transformer loss) is debited in the energy bill of the consumer-petitioner for the month of January, 2021.*”

6. Further the Respondent issued a permission letter No. 2381 dated 29.10.2021 to the petitioner for reduction of contract demand from 132 KVA to 95 KW with some terms and conditions. Accordingly, the petitioner has submitted the inspection report of the Electrical Inspector for enhancement of contract demand from 65 KW to 95 KW but not executed the agreement till date. Therefore, the petitioner may be directed to comply the order dated 30.07.2019 of the Hon’ble High Court of Orissa passed in W.P.(C) No. 9464 of 2009 for enhancement of his load from 65 KW to 95 KW and execute the agreement for supply of power.
7. Heard the parties at length. The respondent is directed to implement both the orders of the Fora as stated above and enhance the contract demand of the petitioner as per the order dated 30.07.2019 of the Hon’ble High Court of Orissa passed in W.P.(C) No. 9464 of 2009 from 65 KW to 95 KW and raise bills accordingly. The petitioner is directed to execute the agreement for enhancement of its contract demand with the respondent and deposit the security amount, if any, and settle the matter with the respondent accordingly. Both the parties are directed to submit compliance report within one month of this order to this Office through affidavit
8. With the above observation, the case is disposed of.

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

Sd/-  
**(U. N. Behera)**  
**Chairperson**