

**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. 88/2021**

M/s. Duladei Drinks

..... Petitioner

Vrs

The Executive Engineer (Elect.),NED, Nimapara, TPCODL, Nimapara

..... Respondent

**In the matter of:    Application under Section 142 of the Electricity Act,2003 for non-compliance of order dated 26.03.2021 of the GRF, Bhubaneswar passed in C.C. Case No.105 of 2021 and order dated 06.08. 2021 of the Ombudsman-I passed in C.R. Case No. 112/2021.**

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

**For Respondent:**     Shri Durgaprasad Das, Executive Engineer (Elect.),NED, Nimapara, TPCODL

**ORDER**

**Date of Hearing: 09.11.2021**

**Date of Order:12.11.2021**

The petitioner M/s. Duladei Drinks, Biswanathpur, Soso, Khurda has come up with an application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 26.03.2021 of the GRF-Bhubaneswar passed in C.C. Case No. 105/2021 and also order dated 06.08.2021 of the Ombudsman-I passed in C.R. Case No.112 of 2021 which has confirmed the order of the GRF and directed the respondent to comply the same within a month. The learned GRF, Bhubaneswar while deposing of C.C. Case No. 105/2021 has directed the respondent as follows:-

*“The complainant and respondent will resolve the issue as has been agreeable by them to settle the dispute mutually on transformer loss as has been explained by the respondent before the Hon’ble forum on the date of hearing today. Besides, as the GRF has already given order on the same issue vide order No.38 of 2016, which both parties had agreed to implement and had mutually settled a portion of the dispute at that point of time due to non-availability of HT meter, though not fully, which now they are agreeable to settle mutually taking in to consideration the present norm after the new regulation, 2019 is in effect. In absence of any option to be worked out to settle issue as per the earlier order, which could not have been workable so far, due to hand over of transformer of the Complainant to the then CESU.*

*In addition to that, the complainant has to pay the DPS on the dispute free amount towards arrear charges only as per the calculation shown by the respondent before the Hon'ble Forum and the respondent will revise the disputed bills w.e.f. 6/17 to till date by deduction the DPS as has been charged on the disputed bills. The net arrear of the revised bill as is agreed by the complainant with respondent will be paid by the complainant in installments along with current dues which is fixed by the forum and have been agreed by both the parties. The complainant will pay Rs.1,50,000/- and the reconnection fees within this month and the respondent will restore the power supply after receipt of the same in order to enable an entrepreneur to resume his commercial activities. The balance revised net arrear bill amount will be paid by the complainant in 08 installments consecutively in 08 months w.e.f. 04/2021 along with the current dues of the corresponding month. If the complainant fails to pay any of the installments so decided, the said installment order given by the respondent will be cancelled from that month and the respondent is free to disconnect the power supply as per the TPCODL guidelines.*

*This order shall be carried out within 15 days."*

2. During hearing the Executive Engineer(Elect.), NED, Nimapara, TPCODL has submitted that as per the above order of the GRF, Bhubaneswar, the transformer loss units charged since August, 2011 to July, 2016 was withdrawn as per the calculation under Section 97(vii)(a) of the Conditions of Supply Code, 2019 i.e. energy loss in transformer in units per month =  $730 \times \text{rating of the transformer in (63) KVA} / 200 = 229.95$  (the Transformer capacity of the consumer=63KVA). On such calculation, 13,797 units towards transformer loss which amounts to Rs.70,258.00 was withdrawn from the complainant's book of account. The DPS on the energy charge of the above withdrawn transformer loss units which amounts to Rs.33,060.00 was also withdrawn. Further the excess charged MFC from Sept., 2016 to March, 2021 and DPS from November, 2020 to March, 2021 which amounts to Rs.29,096.00 was also withdrawn from the complainant's account. The total amount withdrawn amounts to Rs.13,24,415.00. The balance amount payable after withdrawal of the above amount was Rs.2,32,631.00 up to May, 2021 and the petitioner was allowed 8 no. of instalments as directed by the GRF, Bhubaneswar for payment.
3. The Respondent has further stated that though the order of the GRF, Bhubaneswar passed in C.C. Case No. 105/2021 and also order dated 06.08.2021 of the Ombudsman-I passed in C.R. Case No.112 of 2021 were duly complied by the respondent in letter and spirit, the complainant-petitioner herself has not complied the order of the forum and has been denying to pay the installment amount as directed by the GRF, Bhubaneswar. Therefore, he has prayed the Commission to drop the

proceedings initiated under section 142 of the Electricity Act, 2003 as the orders of the forums has been compiled by the respondent and there is no need to proceed further in this proceeding.

4. During the hearing the Petitioner has not agreed to the compliance report submitted by the Respondent against the orders passed by the GRF, Bhubaneswar in C.C. Case No.105 of 2021 and also the order dated 06.08.2021 of the Ombudsman-I passed in C.R. Case No.112 of 2021. The Petitioner has stated that the GRF order which has been confirmed by Ombudsman has not been complied to his satisfaction.
5. Heard the parties at length. Since the Petitioner is not satisfied with the compliance of the order of GRF subsequently confirmed by Ombudsman-I by the Respondent the matter is remanded to GRF, Bhubaneswar. The said GRF will verify whether their order has been complied or not. The Petitioner is directed to approach GRF, Bhubaneswar within a month from the date of issue of this order. The GRF shall give their findings within a month thereafter by hearing both the parties. The Petitioner is at liberty to approach this forum if GRF finds that their order has not been complied.
6. With this observation, the case is disposed of. The Registry is directed to send a copy of this order to GRF, Bhubaneswar along with the copy of the petition.

Sd/-

**(G. Mohapatra)**  
**Member**

Sd/-

**(U. N. Behera)**  
**Chairperson**