

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

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

Case No. 23/2022

M/s. Maharaja Minerals (P) Ltd. Vrs. The E. E (Elect), TPNODL, Anandapur Electrical Division, Keonjhar	Petitioner
	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, TPNODL passed in C.C. Case No. 26 of 2020 and Order dated 23.12.2021 of the OERC passed in Case No. 83 of 2021.

For Petitioner: Shri Tushar Behera, the authorized representative

For Respondent: Shri Chitta Ranjan Mistry, Executive Engineer (Electrical), AED, TPNODL and Ms. Malancha Ghose, AGM (RA), TPNODL.

ORDER

Date of Hearing: 10.05.2022

Date of Order:31.05.2022

This petition has been filed by M/s. Maharaja Minerals (P) Ltd., Soso, Keonjhar under Section 142 of the Electricity Act, 2003 for compliance of order dated 18.12.2020 of the GRF, Jajpur Road, TPNODL passed in C.C. Case No. 26 of 2020 and Order dated 23.12.2021 of the OERC passed in Case No. 83 of 2021.

The Petitioner has submitted that the Ld. GRF in their order dated 08.12.2020 in C.C. Case No. 26/2020 had directed as follows:

- 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 Hon'ble Commission, OERC in the RST order for the FY 2018-19.*
- c. *To revise the MMFC since 03/2009 onwards as per Regulation-117 of OERC Supply Code, 2019.*
- d. *To review the security deposit amount u/r-53 of OERC Supply Code, 2019.*

e. *The interim order given earlier shall continue till revision.”*

Due to non-implementation of order of GRF, the Petitioner had approached Ld. Ombudsman-II, who also confirmed the order of GRF passed in C.C. Case No. 26/2020. When orders of the both the Fora were not complied by the Respondent, the Petitioner had approached the Commission. The Commission, while disposing of Case No. 83 of 2021 vide its order dated 23.12.2021, has directed the parties as follows:-

x x x x

“ 7. *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.”*

2. The respondent has submitted that in obedience to the order of the OERC dated 20.12.2021 in Case No. 83/2021 the energy bill of the petitioner has been revised taking into consideration of the Retail Supply tariff orders of the Commission for relevant years. The load has been enhanced to 95 kW w.e.f. 13.02.2009. The fixed charge/demand charge has been charged as per recorded CD or highest MD of the financial year. The transformer loss claimed from August, 2018 to April, 2020 has been withdrawn. DPS has been revised from January, 2021 onwards. Therefore, he prays the Commission to drop the present proceeding under Section 142 of the Electricity Act, 2003 as the respondent has duly complied the order of the Commission.

3. The petitioner in its rejoinder to the reply of the respondent has further submitted that the respondent has not withdrawn the transformer loss as per the direction of the learned GRF, Jajpur Road in C.C. Case No.26 of 2020 i.e. after 4 months from the month of installation of LT meter which is as per the RST Order of this Commission for FY 2018-19. The Respondent is to withdraw the transformer loss from February, 2012 to May, 2020 as per the order of the learned GRF, but the Respondent has withdrawn the same for the period from August, 2018 to May, 2020. The respondent has charged DPS for the revised by MMFC amount since 2009 for the additional load from 65 KW to 95 KW, which violates Regulation. Since the said dispute continued from 2009 to 2019 before the Hon’ble High Court of Orissa (in W.P.(C) No.9464 of

- 2009), the DPS should not be charged on revised amount. Therefore, the Petitioner prays this Commission to direct the respondent to revise the DPS amount charged from 2009 onwards and withdrawal of impact of transformer loss from February, 2012 upto July, 2018. Petitioner has also prayed for a direction to reconnect the power supply to the petitioner as the petitioner is ready to pay 50% of the total arrear dues till date and balance amount after revision in full shape in five equal instalments.
4. The Petitioner has stated that without complying the orders of the Commission the Respondent has disconnected power supply to his premises. Therefore, he has again filed the present case under Section 142 of the Electricity Act, 2003 for compliance of the said order of the Commission passed in Case No.83 of 2021 with an application for interim relief regarding restoration of power supply to its unit pending final disposal of the present petition under Section 142 of the Electricity Act, 2003.
 5. Heard the parties through virtual mode. The Commission in their order in Case No. 83/2021 directed for compliance of the order of Hon'ble High Court and the order of GRF, Jajpur Road. Now, from the submission of the Respondent and acceptance of the Petitioner, it is understood that the order of the Hon'ble High Court has been complied by raising the CD of the Petitioner from 65 KW to 95 KW w.e.f. 13.02.2009 by the Respondent through an agreement on 15.12.2021. But so far as the compliance of Order of GRF dated 18.12.2020 in Consumer Complaint No.26 of 2020, concerned from the submission of the petitioner, it is understood that order of the GRF, Jajpur Road has not been duly complied by the respondent TPNODL in letter and spirit as submitted by the Petitioner M/s. Maharaja Minerals (P) Ltd.. In the circumstances, it is felt imperative on the part of the Commission to remit the matter to the GRF, Jajpur Road to examine and report as to whether its Order dated 18.12.2020 in Case No.26 of 2020 has been duly complied with or not. Accordingly, the matter is remitted to the GRF, Jajpur Road. The compliance of the GRF Jajpur Road is expected to reach the Commission within two months from the receipt of the order of the Commission. The parties are directed to appear before the GRF, Jajpur Road on 17.06.2022 and receive the instructions.
 6. The matter is accordingly disposed of with liberty to the Petitioner to approach the Commission in the event of order of GRF remains non-complied.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson