

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

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

Case No. 42/2022

Sri Natabar Sahoo	Petitioner
Vrs.		
The Executive Engineer (Elect.), KED, Kuakhia, TPNODL, Jajpur Road, Dist.-Jajpur	Respondent

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 23.06.2022 of the Ombudsman-II passed in C. R. Case No. 14 of 2022.**

For Petitioner: Shri Tushar behera, the authorized representative.

For Respondent: Shri Prasanta Kumar Tripathy, Advocate and Shri S. Patnayak, Advocate.

ORDER

Date of Hearing: 06.12.2022

Date of Order: 17.12.2022

The Petitioner Natabar Sahoo of Umapada, Jajpur Road has come up with application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 23.06.2022 of the Ombudsman-II passed in C.R. Case No.14 of 2022 by the Respondent-E.E(Elect.), TPNODL. The learned Ombudsman-II while disposing of C. R. Case No.14 of 2022 has directed the respondent herein to provide a new power supply to the petitioner's industrial premises for connected load of 30KVA from his existing 100 KVA, 33/0.4KV substation at LT level after observing all formalities within 15 days from the date of receipt of letter of acceptance from the petitioner and to file compliance before that Authority within 30 days. As per the above order of the Ombudsman-II, the petitioner has submitted his acceptance letter for the order of the Ombudsman-II passed in C. R. Case No. 14 of 2022 on 28.06.2022. Since the above order of Ombudsman-II was not complied by the respondent, the petitioner has approached this Commission for compliance of the same in this present case.

2. The Counsel for the respondent submits that being aggrieved by the above order of the Ombudsman-II in C.R. Case No. 14 of 2022, TPNODL has challenged said impugned order of the Ombudsman-II before the Hon'ble High Court of Orissa in W.P.(C) No.

21627 of 2022. The Hon'ble Court has been pleased to dispose of the above writ petition vide their order dated 16.09.2022 with the following directions:-

“12. x x x, we are of the view that the petitioner had committed serious illegality by acting on the application of the Opp. Party No.2 and rejecting the same, when the order dated 14.02.2022 passed by the GRF was in force and unchallenged by the petitioner. As such, the said action being illegal, the petitioner is directed to restore the application of the Opp. Party No.2 which has been rejected during the pendency of the proceeding before the Ombudsman-II and act according to the passed by the Ombudsman-II, as we do not find any infirmity in the said order. Moreover, that order is in no manner prejudicial to the petitioner. The said order dated 23.06.2022 (Annexure-9 to the writ petition) shall be complied with by 30.09.2022.

13. The writ petition, subject to the observation made above, stands dismissed.

14. There shall be no order as to costs.”

3. Against the above order of the Hon'ble High Court of Orissa in W.P.(C) No. 21627 of 2022, the respondent has taken steps for implementation of the said order of the Ombudsman-II passed in C. R. Case No. 14 of 2022. As per order of the Ombudsman-II the respondent has provided new power supply to the petitioner's industrial premises for connected load of 30KVA from the existing 100KVA 33/0.4KV Sub-station at LT level after observing all formalities under the rules and regulations in force.
4. Heard the Parties at length through virtual mode. During hearing the Counsel for the respondent submits that the order dated 23.06.2022 of the Ombudsman-II passed in C.R. Case No. 14 of 2022 has been fully complied after the above writ petition was dismissed by the Hon'ble High Court of Orissa in letter and spirit. Therefore, the Counsel for the Respondent prays the Commission not to proceed further in this case under Section 142 of the Electricity Act, 2003 since the order dated 23.06.2022 of the Ombudsman-II passed in C. R. Case No. 14 of 2022 have been complied. The authorized representative of the petitioner has agreed with the submission of the Counsel for the respondent that the order dated 23.06.2022 of the Ombudsman-II passed in C. R. Case No. 14 of 2022 has been complied in letter and spirit.
5. Since the Petitioner has accepted that the Respondent has fully complied the order of Fora in his case, the proceeding under Section 142 against the Respondent is hereby dropped.
6. With the above observation, the case is disposed of.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson