

**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. 44/2022

M/s. Konark Ceramics (P) Ltd. Petitioner

Vrs.

The Executive Engineer (Elect), AED, Athagarh, TPCODL..... Respondent

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 29.10.2020 of the GRF, Cuttack passed in C. C. Case No.403/2020, Order of the Ombudsman-I passed in C.R. Case No.104 of 2020 and also order dated 30.06.2021 of the OERC passed in Case no.26 of 2021.**

For Petitioner: Sri Tushar Behera, the authorized representative.

For Respondents: Shri Pabitra Mohan Sahu, Executive Engineer (Elect.), AED, Athagarh, TPCODL.

ORDER

Date of Hearing: 18.10.2022

Date of Order: 31.10.2022

The petitioner M/s. Konark Ceramics (P) Ltd., At-Ramanagar, P.O: Khuntuni, Cuttack has come up with application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 29.10.2020 of the GRF, Cuttack passed in C.C. Case No.403/2020, Order of the Ombudsman-I passed in C.R. Case No.104 of 2020 and also order dated 30.06.2021 of the OERC passed in Case No.26 of 2021. The learned GRF, Khurdha while disposing of C.C. Case No.403/2020 has directed the respondent as follows:-

“1. x x x to settle the arrear dues of the petitioner/complainant taking the arrear as on 10/2017 in to consideration along with 2 months MMFC for the month of November & December, 2017 as per Clause 49 of the OERC Distribution Code, 2019.

2. x x x to refund the excess meter rent recovered on old meter if any, as per the tariff orders and CESU circulars and adjust it from the final settlement.

3. x x x to verify the MMFC charged since 2004-05, if the MMFC charged is in violation of the tariff order.... the excess amount MMFC charged if any to be refunded to the petitioner/complainant in shape of adjustment from the final settlement.

4.x x x to refund the security deposit along with the accrued interest in shape of adjustment from the arrear outstanding of the complainant as per the views expressed by the Forum above for final settlement of its bills..”

2. As the above order dated 29.10.2020 of the GRF, Cuttack passed in C.C. Case No.403/2020 was not complied by the Respondent, the petitioner herein had approached the Ombudsman-I in C.R. Case No. 104 of 2020 for compliance. The learned Ombudsman-I, Bhubaneswar while disposing of C.R. Case No.104/2020 had directed the respondent herein to comply the order dated 29.10.2020 of the GRF, Cuttack passed in C.C. Case No.403 of 2020 within a month, failing which the petitioner would be at liberty to approach the OERC under section 142 of the Electricity Act, 2003 for enforcement of such order of the GRF, Cuttack.

3. Since the above order of Ombudsman was not complied by the respondent, the petitioner approached this Commission for compliance of the same in Case No.26 of 2021 and this Commission while disposing of the said case observed as follows:-

“ 6. Since the respondent says that he has complied the order of the Ombudsman-I passed in C.R. Case No. 104 of 2020 arising out of C.C. Case No. 403 of 2020 in letter and spirit and the petitioner does not agree with such compliance, we are of the view that the matter be remanded to the GRF, Cuttack to look at the case of the petitioner and see if its order passed in C.C. Case No.403 of 2020 has been complied by the Respondent in letter and spirit. The registry is directed to serve a copy of this order along with the petition to the GRF, Cuttack for necessary action at their end.

7. Accordingly, the case is closed as the matter is remanded to the GRF, Cuttack to see if its order passed in C.C. Case No.403 of 2020 has been complied by the Respondent in letter and spirit.”

4. After the remand of the case to GRF, Cuttack it was verified and disposed of by them in C.C. Case No. 318/2021 with certain directions to the Respondent for its compliance.

5. Heard the Parties at length. During hearing the Executive Engineer (Electrical), AED, TPCODL, Athagarh submits that the order dated 29.10.2020 of the GRF, Cuttack passed in C.C. Case No.403/2020, Order of the Ombudsman-I passed in C.R. Case No.104 of 2020 and also order dated 30.06.2021 of the OERC passed in Case No.26 of 2021 has been fully complied by the respondent after refund of Rs.2,23,191/- to the Petitioner on 26.09.2022 through cheque. The payment is towards full and final settlement of the claim of the Petitioner. Therefore, the Respondent prays the

Commission not to proceed further in this case under Section 142 of the Electricity Act, 2003 since the order dated 29.10.2020 of the GRF, Cuttack passed in C.C. Case No.403/2020, Order of the Ombudsman-I passed in C.R. Case No.104 of 2020 and also order dated 30.06.2021 of the OERC passed in Case No.26 of 2021 have been complied. The authorized representative of the petitioner has agreed with the submission of the respondent that the order dated 29.10.2020 of the GRF, Cuttack, Order of the Ombudsman-I passed in C.R. Case No.104 of 2020 and also order dated 30.06.2021 of the OERC have been complied in letter and spirit.

6. Since the Petitioner has accepted that the Respondent has fully complied the orders of different Fora in his case, the proceeding under Section 142 against the Respondent is hereby dropped.
7. With the above observation, the case is disposed of.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson