

**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. 60/2022

Mrs. Monalisha Das Vrs. The Executive Engineer (Elect), CDD No.1, TPCODL, Ranihat, Cuttack -753007 & Others	Petitioner
	Respondents

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 16.09.2022 of the Ombudsman-I passed in C.R. Case No.125/2022.**

For Petitioner: Shri Amit Kumar Das, Advocate & Shri Agneev Das, Advocate.

For Respondent: Shri Deepak Kumar Rout, Executive Engineer (Elect.), CDD-1, TPCODL.

ORDER

Date of Hearing: 13.12.2022

Date of Order: 17.12.2022

Mrs. Monalisha Das, wife of late Rajib Kumar Das of Peyton Sahi, Buxi Bazar, Cuttack has filed the present petition under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 16.09.2022 of the Ombudsman-I passed in C.R. Case No.125/2022 arising out of Order dated 31.05.2022 of the GRF, Cuttack in C.C. Case No.396 of 2022 by the Respondent-E.E(Elect.), J.E(Elect.) & S.D.O(Elect.) of TPCODL.

2. The Counsel on behalf of the petitioner submits that the Ombudsman-I while disposing of the C.R. Case No. 125 of 2022 has observed as follows:

“X x x x, it is held by me that the OP(Respondent herein) shall provide a new electricity connection to the Petitioner-Monalisha Das if she makes payment of 50% of the arrear electricity charges that would accrue after deduction of Rs.3,62,434/- which is the arrear amount of the Consumer No.00741248(Sujata Das). The rest 50% of such current arrear amount is to be paid by the Sujata Das as she is equally consuming electricity from the electricity line of deceased consumer Umesh Das on prorata basis particularly when the OP is continuing the consumer number of late Umesh das bearing No.00222793.x x x .

The order dated 31.05.2022 passed by the GRF, Cuttack in C.C. Case No. 396/2022 is modified to the above extent.”

3. Since the above order of the Ombudsman-I was not complied by the respondent, the present case has been filed by the Petitioner for compliance of order passed by the Ombudsman-I in C.R. Case No.125 of 2022.

4. The respondent submits that in compliance to the order of the Ombudsman-I passed in in C.R. Case No.125 of 2022, the respondent has implemented the said order of the Ombudsman-I partly by providing new connection to the Petitioner after receipt of 50% of the arrear outstanding bills against late Umesh Das bearing Consumer No. 00222793 and for implementation of other part of the order of the Ombudsman-I, the matter has been referred to TPCODL Head Office for necessary direction. After receipt of direction from Head Office, the same shall be implemented by the Respondent. Therefore, he prays the Commission to drop the present proceeding under Section 142 of the Electricity Act, 2003 as the order of the Ombudsman-I has already been complied.
5. Heard the parties at length in the virtual mode. During the hearing the Counsel appearing on behalf of the Petitioner has not agreed to the compliance report submitted by the Respondent against the order passed by the Ombudsman-I in C.R. Case No.125 of 2022. The compliance of the order has not been made to the satisfaction of the petitioner though the Respondent has stated that the order of Ombudsman-I in C.R. Case No.125 of 2022 has been complied partly and the other part of the order is in the process of implementation.
6. Considering the above submissions of the respondent and the petitioner, the matter is remanded to Ombudsman-I, Bhubaneswar to verify as to whether their order has been complied in letter and spirit or not. The Ombudsman-I, Bhubaneswar is directed to take up the matter for hearing on **10.01.2023** to ascertain the status of implementation of their order with due notice to the parties concerned and shall record their findings by hearing both the parties. The Petitioner is at liberty to approach this forum, if Ombudsman-I, Bhubaneswar finds that their order passed in C.R. Case No.125 of 2022 has not been complied with.
7. The Petitioner is directed to approach Ombudsman-I within 15 days of receipt of this order in this regard. The Ombudsman-I shall hear the parties on implementation of their order and give their findings. If Ombudsman-I holds that their order has not been properly implemented, it shall spell out what exactly needs further to be implemented. The Respondents shall act accordingly.
8. With this observation, the case is disposed of. The Registry is directed to send a copy of this order to Ombudsman-I along with the copy of the petition.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson