

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

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

Case No. 73/2022

Sri Ranjan Kumar Giri Petitioner

Vrs.

The Executive Engineer (Elect.), Rairangpur Electrical Division,
TPNODL, Rairangpur, Mayurbhanj Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 28.07.2022 of the Ombudsman-II passed in C.R.Case No.08 of 2022.

For Petitioner: Shri Ranjan Kumar Giri.

For Respondent: Shri Mrutunjay Dey, the representative of The Executive Engineer (Elect.), Rairangpur Electrical Division, TPNODL, Rairangpur, Mayurbhanj.

ORDER

Date of Hearing: 29.08.2023

Date of Order: 29.08.2023

The Petitioner Shri Ranjan Kumar Giri, Son of Late Gangadhar Giri of Righa, in the district of Mayurbhanj has come up with application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 28.07.2022 of the Ombudsman-II passed in C.R. Case No.08 of 2022 by the Respondent-E.E(Elect.),RED, Rairangpur, TPNODL. The learned Ombudsman-II while disposing of C. R. Case No.08 of 2022 had directed as follows:-

“ 1. The respondent herein to implement the order dated 13.09.2021 in Case No.250 of 2021 of the learned GRF,Balasore in letter and spirit of the aforesaid order. In this regard, the Respondent is directed to shift the pole mounted sub-station situated in front of the house of the Petitioner on his private plot to the corner of the house of the Petitioner on the public/ Govt. land without hampering the interest of the other consumers with the cost of TPNODL within 45 days from today.

2. The Petitioner is directed to co-operate the Respondent towards implementation of the above order of this Authority.

Both the parties are directed to act as per the above directions and file compliance of the above order before this Authority within 60 days from today.

The Case is accordingly disposed of.”

Since the above order of Ombudsman-II was not complied with by the Respondent-Licensee, 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. 08 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. 26124 of 2022. The Hon’ble Court has been pleased to dismiss writ petition vide their order dated 22.08.2023 with the following directions: -

“ 2 .x x x x x, In pursuance of Regulation 10(6) of the OERC (GRF & Ombudsman) Regulation, 2004 (Chapter-3), the petitioner is required to issue letter of acceptance (within a period of one month from the date of receipt of Award/order) that, the Award/order is in full and final settlement of his claim .So that the Respondent shall comply the Award/Order of the Ombudsman referring to Regulation 10(7) read with 10(6) of the OERC (GRF & Ombudsman) Regulation, 2004.

4. Considering the grounds taken in the application and the submission made herein, this Court find there is no inconvenience or prejudice to the distributor herein in shifting of the pole mounted sub-station situated in front of the house of the petitioner even on its private plot to the corner of the plot of the petitioner. This Court for the above reason find no reason to entertain such writ application which is dismissed.”

3. Heard the Parties. During hearing the Respondent-Licensee submits that as per order of the Ombudsman-II passed in C.R. Case No.08 of 2022, the Respondent-Licensee has taken steps for implementation of the same which will take one month time. Therefore, he prays that the Commission may allow one month time to implement the above order of the Ombudsman-II passed in C.R.Case No.08 of 2022.
4. Considering the above submissions of the Parties, the Commission finds that there is no need to proceed further in the present case and accordingly the Respondent-Licensee is directed to comply with order of the Ombudsman-II passed in C.R. Case No.08 of 2022 within a month hence & serve the compliance report on the Petitioner with intimation to this Commission.
5. With the above direction to the Respondent-Licensee, the case is disposed of.

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

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. C. Mahapatra)
Chairperson