

**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. 93/2022

Sri Manmath Pradhan Vrs. The Executive Engineer (Elect.), JED,TPNODL, Jaleswar, Dist.- Balasore.	Petitioner
	Respondent

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 14.09.2022 of the Ombudsman-II passed in C.R.Case No.52 of 2022.**

For Petitioner: Shri A.K.Sahani, the authorized representative.

For Respondent: Shri Anil Kumar Patra, Asst. Manager(Comm.),JED, Jaleswar, TPNODL.

ORDER

Date of Hearing: 27.12.2022

Date of Order: 27.12.2022

Shri Manmath Pradhan, Tukuri Hazira, Chandaneswar, Balasore has filed the present petition under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 14.09.2022 of the Ombudsman-II passed in C.R.Case No.52 of 2022 by the Respondent-E.E(Elect.), JED, Jaleswar, TPCODL.

2. The authorized representative of the petitioner submits that the Ombudsman-II while disposing of the C.R. Case No. 52 of 2022 has passed the following order:

“X x x x x, As the load used for prawn culture by the petitioner’s son Sri Jyoti Ranjan Pradhan, the tariff will be AAA category and the load factor will be 20%. As per the statement of the respondent, the prawn culture in that area is seasonal i.e. for six months in a year.Hence, the respondent is directed to recalculate the penalty taking all these above three parameters and prepare a final bill accordingly within 15 days from today & serve to the petitioner towards payment/ taking further necessary steps at his end.

Both the parties are directed to file compliance of the above order before this authority.”

3. The above order of the Ombudsman-II has not been challenged before any higher forum and thus the order has attained finality.
4. The Respondent submits that in compliance with the order of the Ombudsman-II passed in C.R. Case No.52/2022, the Respondent has taken steps to implement the said order of the Ombudsman-II by recalculating the penalty taking all parameters. Final bills have

been prepared and sent to the Head Office for approval of the same. After approval of the higher authority, the same will be intimated to the petitioner. Therefore, the Respondent prays the Commission to drop the present proceeding under Section 142 of the Electricity Act, 2003 as the order of the Ombudsman-II has to be complied with by him.

5. Heard the parties on hybrid mode. During the hearing, the authorized representative of the Petitioner has no objection to the above submissions of the Respondent.
6. Considering the submissions of the Parties, the matter is remitted to the Ombudsman-II, Bhubaneswar to verify as to whether his order has been carried out in letter and spirit. The Ombudsman-II, Bhubaneswar is directed to take up the matter for hearing on **20.01.2023** to ascertain the status of implementation of his order. Accordingly, the parties are directed to appear before the Ombudsman-II on 20.01.2023.
7. 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