

**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. 94/2022

Sri Dibyaranjan Behera	Petitioner
Vrs.		
The S.D.O (Elect.), Dharmasala, Jajpur & Others	Respondents

In the matter of: Application under Sections 142,146 & 149 of the Electricity Act, 2003 for non-implementation of order dated 23.07.2012 of the Ombudsman-II passed in C.R.Case No.38 of 2012.

For Petitioner: Shri Dibyaranjan Behera, Advocate

For Respondent: Shri Bipresh Kumar, Dy.Manager(Elect.), Dharmasala Sub-Division, TPCODL.

ORDER

Date of Hearing: 27.12.2022

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Shri Dibyaranjan Behera, Advocate of Patapur, P.O: Endal, Via-Jenapur, Dist.-Jajpur has filed the present petition under Sections 142,146 & 149 of the Electricity Act, 2003 for non-implementation of order dated 23.07.2012 of the Ombudsman-II passed in C.R.Case No.38 of 2012.

2. The petitioner submits that the Ombudsman-II while disposing of the C.R. Case No. 38 of 2012 has passed the following orders:-

"A .The bills of the petitioner is to be revised from September, 1999 to till today taking into account.

- i. Up to the end of August, 1999, the arrear out-standing dues of the petitioner is Rs.4683.30/-***
- ii. MMFC/MMC is applicable for a connected load of 1KW (excluding transformer break-down periods) from 15.05.2002 and on-wards..***
- iii. Load Factor average billing (with 1KW connected load) is to re-cast for the period from 20.08.2000 to 14.05.2002 excluding any transformer B/D period of more than one month if any.***

B. Petitioner is to pay his revised bill amount in two equal monthly installments.

C. Petitioner's power supply is to be re-connected within 24 hours after payment of 1st installment of the revised bill amount and reconnection fees.

The Respondent is directed to revise the bills of the petitioner as per the conclusions made above and serve a copy of the revised bill along with it's abstract to the petitioner within 30 days from the date of issue of this order and report compliance within 45 days.

The petitioner is directed to pay 1st installment (out of two equal monthly installments) of the revised bill amount within 15 days from the date of receipt of the revised bill from the respondent.”

3. It is submitted by the Petitioner that the above order of the Ombudsman-II has not been complied with. The above order of the Ombudsman-II has also not been challenged before any higher forum and the order has attained finality.
4. The respondent has submitted that it has taken steps for compliance of the order in right earnest.
5. Heard the parties on hybrid mode.
6. Considering the above submissions of the Parties, the matter is remitted to the Ombudsman-II, Bhubaneswar to verify as to whether his order has been complied 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-II along with the copy of the petition.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson