

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNOKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751 021**

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

Case No. 01/2023

Sri Aditya Seth Petitioner

Vrs.

The Executive Engineer (Elect.),
RED, TPNODL, Rairangpur, and another Respondents

In the matter of: Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 18.11.2022 of the Ombudsman-II passed in C.R.Case No.36 of 2022.

For Petitioner: Aditya Seth

For Respondents: S.C.Dash, Advocate

ORDER

Date of Hearing: 02.05.2023

Date of Order: 02.05.2023

The Petitioner- Sri Aditya Seth has filed the present petition under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 18.11.2022 of the Ombudsman-II passed in C.R.Case No.36 of 2022 for shifting of electric poles and 11KV line passing over his residential house.

2. The learned Ombudsman-II while disposing of C.R.Case No.36 of 2022 had directed as follows:

“ 1. The Respondent is directed to prepare the estimate for shifting of pole and 11KV lines over the building of the Petitioner within 15 days from today and to serve a copy to the Petitioner.

2. The Respondent is directed to bear the entire cost of materials of such estimate for such pole and 11KV lines shifting.

3. The Respondent is further directed to intimate in writing to the Petitioner to deposit the cost of the entire labour charges of the said estimate for such pole and 11KV lines shifting.

4. The Petitioner is directed to deposit the entire cost of labour charges of the estimate within 15 days from the date of receipt of letter

along with the estimate from the Respondent and also to co-operate the Respondent towards solving of ROW problem, if any.

Both the Parties are directed to act as per the above directions within 45 days and file compliance of the above order before this Authority within 60 days from today.”

3. Being aggrieved by the aforesaid order of the Ombudsman-II passed in C.R.Case No.36 of 2022, the Respondent-TPNODL had filed W.P.(C) No.37199 of 2022 before the Hon’ble High Court of Orissa and in turn, the Hon’ble Court vide order dated 16.03.2023 dismissed the writ petition with the following observations:

“6. Having gone through the pleadings of the parties before the GRF, Ombudsman as well as averments made in the writ petition, this Court is of the considered view that the order passed by the Ombudsman is in the larger public interest as the Ombudsman has proceeded taking note of the fact that the existing 11 KV electric line may cause danger to the public at large and requires renovation. Simultaneously the Opposite parties have been saddled with the cost of the providing labour thereby no extra burden will be put on the licensee apart from supplying the material which they are otherwise duty bound in order to maintain safety of the electric conductor line.”

4. Pursuant to the aforesaid order of the Hon’ble High Court of Orissa, the Respondent TPNODL submits to implement the Order of the Ombudsman-II passed in C.R.Case No.36 of 2022 very soon. In terms of the said submissions of the Respondent-TPNODL, the Commission directs it to implement the said order of Ombudsman-II within a period of one month hence.
5. With the above direction to the Respondent-TPNODL, the case is disposed of.

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

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. C. Mahapatra)
Chairperson