

**ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNOKOLI, SAILASHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021**

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

Case No. 130/2023

M/s. Sidhi Vinayak Foods	Petitioner
Vrs.		
Executive Engineer (Electrical), C.D.D. No.-II		
Badambadi, TPCODL, Cuttack	Respondent

In the matter of: Application under Section 142 & 146 of the Electricity Act, 2003 for non-compliance of Order dated 17.10.2023 of the Commission passed in Case No.89 of 2023.

ORDER

Date of Hearing: 27.08.2024

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This matter has been taken up for hearing through hybrid arrangement.

2. The Petitioner- M/s. Sidhi Vinayak Foods, Jagatpur, Cuttack has filed the instant petition under Section 142 & Section 146 of the Electricity Act, 2003 for non-compliance of the order dated 17.10.2023 passed by the Commission in Case No. 89 of 2023.
3. The Petitioner in the instant petition has prayed for the following reliefs:
 - a) To comply the order dated 02.08.2023 of the learned GRF, Cuttack passed in C.C. Case No. 117 of 2023;
 - b) To penalize the Respondent due to non-compliance of the order passed by this Commission in Case No.89 of 2023;
 - c) and may pass any other order(s), direction(s), relief(s) as deem fit and proper.
4. The Commission, after hearing the parties, vide its interim order dated 14.05.2024 had remanded the matter to the Learned GRF, Cuttack to reverify the outstanding unpaid arrear amount and pass order afresh giving opportunities to the parties to put forth their respective submissions. Accordingly, the Learned GRF, Cuttack, vide its Letter dated 20.06.2024, has furnished a copy of the order in Case No.130 of 2023, whereby the Respondent-Licensee has been directed as under:

"1. The Opposite Party shall levy energy, demand charge, DPS, meter rent and all other applicable charges till completion of initial agreement period i.e.19.10.2015 to 18.10.2020 as per RST Order of the Commission for respective financial years. The energy charges shall be levied only up to the date of disconnection i.e.08.12.2017 considering last recorded meter reading at the date of disconnection. The Opposite Party shall levy electricity duty as per Energy Department, Govt. of Odisha Notification No.3309 dated 01.10. 2015.The Opposite Party shall also consider all the payments made by the complainant in the above recalculation.

2. *The Opposite Party shall compute on Security Deposit at twice the rate applicable for respective financial years to the complainant till 18.10.2020 in accordance with regulation-21(4) of the OERC Distribution (Conditions of Supply) Code, 2004. The Opposite Party shall also compute the interest on Security Deposit at the rate@ 15% per annum from the effective date of termination of agreement i.e.19.10.2020 upto the date of intimation of above recalculated outstanding arrear amount in accordance with Regulation 22 of the OERC Distribution (Conditions of Supply) Code,2004. The above interest amount(s) shall be adjusted in recalculation of the unpaid arrear amount.*
3. *The Opposite Party shall intimate in writing to the Complainant within one month of receipt of this order about the outstanding unpaid arrear amount payable by the Complainant for issuance of No Dues Certificate by the Opposite Party.”*
5. We have heard Shri R.K. Behera, the Authorized Representative appearing on behalf of the Petitioner and Shri Debashis Pattnaik, the learned counsel for the Respondent. The Authorized representative of the Petitioner submitted that the instant Petition may be disposed of without contest as the order dated 17.10.2023 of this Commission passed in Case No.89 of 2023 arising out of order dated 02.08.2023 passed by the GRF, Cuttack in C.C. Case No.117 of 2023 has already been complied with. However, inordinate delay by about two years is a matter of concern for a consumer.
6. In view of the aforesaid prayer of the Petitioner, the Petition is accordingly disposed of as withdrawn.
7. The Commission observes that it is the submissions of the Petitioner that there is inordinate delay in the matter of compliance. Thus, the DISCOM authority is called upon to make all workable endeavor for early compliance of directions of the Forums in the matter of redressal of grievances.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson