

**ODISHA ELECTRICITY REGULATORY COMMISSION  
PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,  
CHANDRASEKHARPUR,  
BHUBANESWAR-751021**

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

**Case No.16/2023**

M/s. Harekrushna Rice Processing and Exports., At/P.O:Panikoili, Jajpur-755043	.....	Petitioner
Vrs.		
The Executive Engineer (Elect.), Jajpur Road Electrical Division, Jajpur Road, TPNODL, Dist.- Jajpur and another	.....	Respondents

**In the matter of:**      Application under Section 142 of the Electricity Act, 2003 for non-implementation of orders dated 04.12.2020 of the GRF, Jajpur passed in Case No.15 of 2020 & order passed in Case No.24 of 2020 and Order dated 11.01.2021 of the Ombudsman-II passed in C.R. Case No.25 of 2020

**For Petitioner :**      Shri Rabin Kishore Behera, the authorised representative

**For Respondents :**      Shri Pramod Kumar Nayak, Executive Engineer(Elect.), JRED, TPNODL.

**ORDER**

**Date of Hearing: 08.08.2023**

**Date of Order: 08.08.2023**

This matter is taken up today for hearing through hybrid arrangement (virtual/physical).

2. Shri Rabin Kishore Behera, Authorized Representative of the Petitioner and Shri S.C. Dash, Learned Advocate along with Shri Pramod Kumar Nayak, Executive Engineer (Elect.), TPNODL, Jajpur Road for the Respondents-TPNODL do appear. Report of the Ombudsman-II as per Interim order dated 25.04.2023 filed on 02.08.2023 is taken on record.
3. The Authorized Representative of the Petitioner submits that M/s. Harekrushna Rice Processing and Exports - the Petitioner has filed the present case under Section 142 of the Electricity Act, 2003 for execution of the order dated 04.12.2020 of the GRF, Jajpur Road passed in both C.C. Case No.15 of 2020 and C.C. Case No.24 of 2020 along with the order dated 11.01.2021 of the Ombudsman-II passed in C.R. Case No.25 of 2020. In C.C. Case No.15 of 2020, while disposing of the petition of the Petitioner, it was observed by the Learned GRF, Jajpur Road in the following words:-  
    *“ a. To refund the cost of check meter with ancillary dues to the Petitioner under Regulation 112 of the OERC Supply Code, 2019.  
      b. To refund capital cost up to point of supply (33KV Line), if remunerative under Regulation 27 of the OERC Supply Code, 2019.*

***c. To refund 6% supervision charges taken beyond the point of supply as it is the property of the Petitioner under regulation 27 of OERC Supply Code, 2019. ”***

4. Further the Petitioner had filed an application before the Learned GRF, Jajpur Road in C.C. Case No.24 of 2020 for adjustment of electricity duty from 06.12.2017 to onwards and adjustment/refund of the security deposit amount deposited by it with the Opposite Party- TPNODL. Learned GRF, Jajpur Road while disposing of the said application has observed as under:-

***“ a. To review the security deposit under Regulation 53 of the OERC Supply Code, 2019 and if excess then ,refund/ adjust the same under Regulation 54(ii) of the OERC Supply Code, 2019.***

***b. To withdraw the Electricity Duty from 06.12.2017 to 11.12.2019 and adjust/ refund the same to the Petitioner.***

***c.The interim order will continue till disposal.”***

5. As both the orders were not complied with by the Respondents, the Petitioner again moved the Ombudsman-II in C.R. Case No.25 of 2020 for implementation of the aforesaid orders of the GRF, Jajpur Road passed in C.C. Case No.15 of 2020 & C.C. Case No.24 of 2020. The Learned Ombudsman-II while disposing of the above Consumer Representation in Case No.25 of 2020 has issued the directions in the following words:

***“ x x x . From the above discussion and after going through the facts & circumstances, it is observed that the Respondent has not implemented the aforesaid orders of the Learned GRF, Jajpur Road. However, in this regard, the Respondent during hearing has sought 15 days time before this Authority for implementation of the same. During hearing, both the parties were also intimated that they will cooperate to each other to resolve the grievance of the Petitioner. As this case is filed before this Authority for implementation of the order dated 4.12.2020 in Case No.15/2020 and order dated 4.12.2020 in Case No.24 of 2020, this Authority is of opinion to direct the Petitioner to cooperate the Respondent in this regard and the Respondent is directed to implement the aforesaid order dated 4.12.2020 in Case No.15/2020 and order dated 4.12.2020 in Case No.24 of 2020 of the Learned GRF, Jajpur Road within 15 days from the date of this order.”***

6. Being aggrieved by the aforesaid orders of both the Forums, the Respondent-Licensee has filed Writ Petitions in W.P.(C) No.7858 of 2021 and W.P.(C) No.7859 of 2021 before the Hon’ble High Court of Orissa. The Hon’ble Court while dismissing the Writ Petitions vide their Order dated 20.03.2023 has been pleased to observe, in the operative portion of the order, in the following words:

***“7. In the circumstance and further for the clear recording, this Court finds, the contention raised herein in challenge to the orders at Annexure-5 & 8 is not sustainable in the eye of law. In the circumstance, the order at Annexure-8 in the present situation is not challengeable unless the Petitioner is able to prove that there is no such undertaking through appropriate proceeding. This Court accordingly finds, there is no scope for entertaining a challenge by the Petitioner to Annexure-5 herein. In the result, the Writ Petition since not maintainable thus stands dismissed.”***

7. We heard the parties. In course of hearing, Learned Counsel appearing for the Respondent-TPNODL and the Executive Engineer (Elect.), JRED, Jajpur Road, TPNODL prayed for allowing time for implementation of the orders of GRF.

8. In view of the above stated scenario, Respondents-TPNODL is directed to completely work out the compliance of direction of the order of GRF, Jajpur dated 04.12.2020 in Case No.15 of 2020 & Case No.24 of 2020 within two months hence and submit a report of compliance.
9. With the above observation, the case is disposed of.

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

Sd/-  
**(G. Mohapatra)**  
**Member**

Sd/-  
**(S.C. Mahapatra)**  
**Chairperson**