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. 24/2023

M/s. OMFED, Keonjhar Dairy ..…….. Petitioner

Vrs

The E.E (Elect.), KED, Keonjhar, TPNODL …… Respondent

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 26.05.2012 of the Ombudsman-II passed in C.R. Case No.13 of 2012.**

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

For Respondents: Shri Sukanta Kumar Jena, Junior Manager (Legal)

ORDER

Date of Hearing: 02.05.2023 **Date of Order:02.05.2023**

The Petitioner-M/s. OMFED, Keonjhar Dairy, has filed the present petition under Section 142 of the Electricity Act, 2003 alleging non-compliance of order dated 26.05.2012 of the Ombudsman-II passed in C.R. Case No.13 of 2012.

2. According to the petitioner, it has taken power supply from erstwhile NESCO Utility (now TPNODL) with a Contract Demand of 69 KW. The energy meters of the petitioner was checked by NESCO Utility through MRT on 20.02.2009 and was found to be running slow by 33.04%. It was replaced with a new set of CT & PT on 21.02.2009 and the petitioner was served a bill amounting to Rs.1,22,206.97/- by the NESCO Utility for the period of June, 2008 to February, 2009 along with the DPS on such amount. Since the said bill is erroneous and contravenes Regulations 97 & 98 of the OERC Supply Code, 2004, the Petitioner deposited the billed amount under protest and approached GRF in C.C No.645 of 2011. The GRF, Jajpur Road in its order dated 27.01.2012 in C.C No.645 of 2011 instructed respondent to prepare the energy bill in accordance with Regulations 97 and 98 of OERC (Conditions of Supply) Code, 2004 by taking average of three months reading as the basis. Not being satisfied by the order

of GRF, the petitioner again approached the Ombudsman (II)(N) for relief in C.R. Case No.13/2012. Ombudsman (II)(N) in its order dated 26.5.2012 in C.R. Case No. 13/2012 directed TPNODL to revise the bills by taking slow factor of the meter into account and leaving aside the subsequent Delayed Payment Surcharge (DPS). When this order of Ombudsman was not carried out, the Petitioner had approached this Commission under Section 142 of the Electricity Act, 2003 by filing the Case No.110 of 2012 and this Commission disposed of the said case vide order dated 18.01.2016 with the following observations:

"In our interim order dated 26.09.2015 we have directed both the Petitioner and the Respondent to sit together to resolve their issues regarding revision of electricity bills within seven days of the order and if any issue survives after that on implementation of the order of Ombudsman-II this should be submitted before the Commission within seven days thereafter.

But till today nothing has been submitted by both the parties. Therefore, it is concluded that the matter has been resolved through amicable settlement. There is no necessity of continuing with the present proceeding and the proceeding is dropped and closed.

Accordingly, the case is disposed of."

3. Heard the parties through hybrid mode. We observed that in course of hearing, the authorised representative of the petitioner submits that though the order of the Ombudsman-II was passed way back on 26.05.2012, yet the same has not been implemented by the Respondent-TPNODL (erstwhile NESCO Utility). On the contrary, Shri Sukanta Kumar Jena, Junior Manager (Legal) appearing on behalf of the Respondent stated that the Executive Engineer (Elect.), Keonjhar, TPNODL has been issued with instruction to comply the order of Ombudsman-II and in view of the same, it is necessary to close the matter as the issues is resolved.

4. In the result, the petition is disposed of as dispute is resolved. No further direction is necessary to be given.

5. Ordered accordingly.

Sd/-	Sd/-	Sd/-
(S. K. Ray Mohapatra)	**(G. Mohapatra)**	**(S. C. Mahapatra)**
Member	**Member**	**Chairperson**