

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

\*\*\*\*\*

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

**Case No. 30/2023**

M/s. Maithan Ispat Ltd	.....	Petitioner
Vrs.		
The Executive Engineer (Elect.), TPNODL, Jajpur Road Electrical Division, Jajpur	.....	Respondent

**In the matter of:**    **Application under Section 142 of the Electricity Act, 2003 non-implementation of order dated 15.10.2009 of the Ombudsman-II, passed in C.R. Case No.16 of 2009.**

**For Petitioner :**        Shri A.K. Sahani, 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**

The Petitioner- M/s. Maithan Ispat Ltd., Kalinganagar Industrial Complex, Jajpur, has filed the present petition under Section 142 of the Electricity Act, 2003 alleging non-implementation of order dated 15.10.2009 of the Ombudsman-II, passed in C.R. Case No.16 of 2009.

2.        The Learned Ombudsman-II while disposing of C.R. Case No.16 of 2009 has directed to revise/recast the energy bills of the Petitioner as per the followings:

*“Garnering much support from above observations, I am of the opinion to concur extending some benefit to ToD discount to the Petitioner w.e.f. 27.08.2005 till 21.08.2009. For evaluation of consumption during off peak hours (\*hours daily), the Respondent will consider half of 33.33% of the total units consumed in each month. Thereby, the Respondent shall be benefited by half of such benefit and the Petitioner shall avail half of such benefit. Thus, benefit of ToD discount is shared by both the parties equally for the period 27.08.2005 to 24.08.2009.*

*The Respondent is directed to calculate the amount of the above relief to the Petitioner’s industry within one month from the date of order and the amount needs to be adjusted in forthcoming bills of the Petitioner’s industry. Compliance with direction of this Forum needs to be communicated to this Forum within 45 days.)”*

3. Being aggrieved by the order of the Ombudsman-II passed C.R. Case No.16 of 2009, the Petitioner herein had filed a writ petition in W.P.(C) No. 3462 of 2011 before the Hon'ble High Court of Odisha and in turn, the Hon'ble High Court vide order dated 19.04.2022 disposed of the writ petition with the following observation:
- “ 1.Since there is no stay order passed by this Court, the impugned order has already worked out itself out in terms of which the Petitioner and Opposite Party No.3 will get 50% each of ToD benefit. Since eleven years has elapsed, the Court is not inclined to change the status quo vis-a-vis the ToD benefit at this stage.*
- 2.Accordingly, leaving the question of law open for consideration some other case, the writ petition is disposed of.”*
4. Pursuant to the aforesaid order of the Hon'ble High Court of Orissa, the Petitioner vide its letter No.21/22-123 dated 14.09.2022 had requested the Respondent to implement the order of Ombudsman-II in C.R. Case No.16 of 2009.
5. We heard the Parties. In course of hearing, the Executive Engineer (Elect.), JRED-the Respondent herein submits that the order of the Learned Ombudsman-II passed in C.R. Case No.16 of 2009 has already been implemented and the revision has also made in the month of June, 2010 and copy of the said revision of bill is served on the Petitioner. On the contrary, the Authorized Representative of the Petitioner does not agree to the above submissions of the Respondent stating that the Respondent has not implemented the order of the Ombudsman-II in letter and spirit till date.
6. After hearing above rival submissions of the parties, the Commission directs the Respondent-TPNODL to implement the order of the Ombudsman-II passed in C.R. Case No.16 of 2009 within a period of two months hence and serve the compliance report on the Petitioner with intimation to this Commission.
7. With the above direction to the Respondents-TPNODL, the case is disposed of.

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

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

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