

**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. 31/2023**

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 20.10.2011 of the Ombudsman-II, passed in C.R. Case No.37 of 2011.**

**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 20.10.2011 of the Ombudsman-II, passed in C.R. Case No.37 of 2011.

2. The Learned Ombudsman-II while disposing of C.R. Case No.37 of 2011 has directed to revise/recast the energy bills of the Petitioner as per the followings:

*“No law provides to segregate the data of two meters to prepare energy bills. Considering all the above aspects, the energy bill from February, 2011 to June, 2011 should have been revised on the basis of average meter reading for the consecutive three billing periods of the new meter (with provision of export and import recording facility) replaced as per Regulation 97 of OERC Supply Code, 2004.*

*From all such findings it is concluded that, the Respondent shall revise the energy bills of the Petitioner as:*

- (a) Energy bill for January, 2011-The energy charges billed earlier will remain as it was. Re-cast the demand charges, considering total contract demand of the company as 15000KVA.*
- (b) Energy bills from February, 2011 to June, 2011-As per Regulation 97 of the OERC Supply Code, 2004, Re-cast the energy bills on the basis of average meter reading for the consecutive three billing periods of the new meter (which has*

*import and export recording facility) replaced. The average power factor of the above three readings is to be considered as the P.F of each month for revision of the above bills from February, 2011 to June, 2011.*

*The Respondent is directed to revise above bills accordingly and serve to the Petitioner within 30 days from the date of issue of this order.*

*The Petitioner is directed to pay the revise bill amount within 15 days from the date of receipt of the revise bill from the Respondent.)”*

3. Being aggrieved by the order of the Ombudsman-II passed C.R. Case No.37 of 2011, the Respondent-TPNODL had filed a writ petition in W.P.(C) No. 2999 of 2012 before the Hon’ble High Court of Odisha and in turn, the Hon’ble High Court vide order dated 02.08.2022 dismissed the writ petition with the following observation:

*“5. It is after the above analysis of the factual position regarding the replacement of an old meter with a new one that the directions extracted above were issued by the Ombudsman. The view taken by the Ombudsman appears to be a plausible one and in exercise of its writ jurisdiction under Article 226 of the Constitution, the Court is not inclined to entertain the present petition.*

*6. The writ petition is dismissed. The interim order passed earlier stands vacated.”*

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.37 of 2011.
5. We heard the Parties. In course of hearing, the Executive Engineer (Elect.), JRED-the Respondent herein submits that he has taken steps to implement the order of the Learned Ombudsman-II passed in C.R. Case No.37 of 2011 within the time as directed by this Commission vide their interim Order dated 06.06.2023 and approval thereon is yet to be received from the Corporate Office. After receipt of approval of the higher authority of the Corporate Office of TPNODL, the bill revision would be carried out and the same would also be reflected in the bill for the month of August, 2023. Under such circumstances, it is prayed to allow some time for implementation of the Order of the Ombudsman-II passed in C.R. Case No.37 of 2011.
6. In view of the above-stated scenario, Respondent-TPNODL is directed to completely work out the compliance of direction of the order dated 20.10.2011 of Ombudsman-II passed in C.R. Case No.37 of 2011 within two months hence and submit a report of compliance.
7. With the above observation, the case is disposed of.

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

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

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