

**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. 92/2023

Sri Sangram Kesari Mohapatra Petitioner
Vrs.

The Executive Engineer (Elect.),
CED, Jobra, TPCODL, Cuttack. Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 11.04.2023 of the Ombudsman-I passed in C.R. Case No. 161 of 2022.

For Petitioner: Sri Bibaswan Das, Learned Advocate

For Respondent: Er. R.K. Behera, Authorized Representative

ORDER

Date of Hearing: 07.11.2023

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The Petitioner- Sri Sangram Kesari Mohapatra, S/o: Shri Sarat Chandra Mohapatra, At-Ramachandrapur, Po-Mangarajpur in the District of Cuttack has filed the present petition under Section 142 of the Electricity Act, 2003 alleging contravention and non-implementation of order dated 11.04.2023 passed by the Learned Ombudsman-I, passed in C.R. Case No. 161 of 2022.

2. As the Order dated 11.04.2023 of the Learned Ombudsman-I, passed in C.R. Case No. 161 of 2022 was not complied with by the Respondent-TPCODL, the Petitioner herein moved the Commission filing the present Case under Section 142 of the Electricity Act, 2003 for implementation of order dated 11.04.2023 passed by the Learned Ombudsman-I, passed in C.R. Case No. 161 of 2022.
3. The Respondent-TPCODL submitted the reply. In its reply, it has been averred by the Respondent-TPCODL that the Petitioner declined to accept OTS offer due to dissatisfaction with the rebate amount offered. Further, an amount of Rs. 31,966/- has already been credited to the consumer's account for withdrawal as per the order of the Ombudsman-I.
4. The Petitioner has not submitted any application for availing OTS benefit. It is further specifically submitted by the Respondent-TPCODL that the Petitioner resiled from the OTS scheme on the ground that the rebate has not been allowed to the Petitioner as per

the direction of the Learned Ombudsman-I. Under the circumstances, the Respondent-TPCODL has submitted during the hearing that the application of OTS in favour of the Petitioner is unworkable.

5. Heard the parties. The Ombudsman-I has issued Order dated 11.04.2023 in C.R. Case No.161 of 2022 in the following language.

“The authorised representatives of the parties are present. During conciliation, it is submitted by the authorised representative of the Petitioner-Consumer that the Petitioner would be happy and thereby withdraw the case against the OP if the entire DPS amount charged on him is to be withdrawn along with a sum of Rs.31,966/- which has been wrongly debited by the OP’s erstwhile franchise namely RUPL and also 30% of the eligible amount is to be withdrawn by resorting to the OTS scheme of prevailing at present.

On the other hand the authorised representative of the OP did not agree to the said proposal of the Petitioner-Consumer.

Having heard the above submission and rival submission of the parties, I went through the facts and circumstances of the case as well as the OERC’s OTS scheme which is prevailing at present. By resorting to the said OTS scheme introduced by Hon’ble OERC, I direct the OP to withdraw 80% of the DPS amount and 30% of the eligible amount charged on the Petitioner-Consumer and accordingly revise his electricity bill. Besides I direct the OP to withdraw a sum of Rs.31,966/- which has been debited to the account of the Petitioner-Consumer by erstwhile franchise RUPL in as much as the OP is unable to produce any document as to how and under circumstances such amount has been debited to the account of the Petitioner-Consumer.

With the above directions to the OP, the representation of the Petitioner-Consumer is disposed of at the stage of conciliation.

This order is in supersession of the order dated 08.06.2022 passed by the GRF, Cuttack in Case No.418/2022.”

6. On perusal of the case records, it is seen that the Learned Ombudsman-I has disposed of the matter in its order after conciliation on which both the parties have agreed upon. Therefore, the aforesaid order of the Ombudsman-I should be carried out. Hence, the Commission directs both the Petitioner and the Respondent-TPCODL to take effective steps to carry out the aforesaid order dated 11.04.2023 of the Ombudsman-I passed in C.R. Case No.OM (I)-161 of 2022 in letter and spirit.
7. Accordingly, the application under Section 142 of the Electricity Act, 2003 preferred by the applicant stands disposed of.

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

Sd/-
(G. Mohapatra)
Member

Sd/-
(S.C. Mahapatra)
Chairperson