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ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
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Present: Shri G. Mohapatra, Officiating Chairperson
Shri S. K. Ray Mohapatra, Member

Case No. 22/2024

Sri Ghanashyam Moharana	Petitioner
Vrs.		
The Executive Engineer (Electrical), KED, Khordha,		
TPCODL, Dist.-Khordha	Respondent

**In the matter of: Application under Sections 142 & 146 of the Electricity Act, 2003
alliging non-compliance of order dated 26.09.2023 of the Commission
passed in Case No.84 of 2023 arising out of order dated 13.03.2023 of
the Ombudsman-I passed in C.R. Case No.05 of 2023.**

ORDER

Date of Hearing: 12.11.2024

Date of Order: 12.11.2024

This matter is taken up for hearing through hybrid arrangement.

2. Shri Rabin Kishore Behera, the Authorized Representative of the Petitioner-Sri Ghanashyam Moharana and Shri Debashis Pattanaik, Learned Counsel on behalf of the Respondent-Licensee (TPCODL) do appear.
3. The Petitioner has sought for the following reliefs:
 - i. to comply the order dated 13.03.2023 passed by the learned Ombudsman-I in C.R. Case No.05 of 2023;
 - ii. not to disconnect power supply till finalization of the present case by the Commission;
 - iii. to penalize the Respondent-licensee under Section 142 & Section 146 of the Electricity Act, 2003;
 - iv. and may pass any other order(s), direction(s), relief(s) as deem fit and proper.
4. The back ground of the case is that the Petitioner-Consumer had filed a case before the Learned GRF, Khordha which was registered as C.C. Case No.325 of 2022 for reclassification of category of power supply from MI (HT) to MI (LT Tariff) and revision of bills from February, 2016 onwards. The Learned GRF, Khordha after hearing the

parties disposed of the Consumer Complaint vide their order dated 22.12.2022 with the following directions:

“1. The Respondent is directed to re-classify of the consumer from MI (HT Tariff) to MI (LT Tariff) by following the procedure laid down in the OERC Distribution (Conditions of Supply) Code, 2019. As the said order of the Learned GRF, Khordha was not complied by the Respondent-licensee, the Petitioner filed a representation before the Learned Ombudsman-I seeking direction of the Ombudsman-I to the Respondent-licensee to change category of the Petitioner-consumer from MI (HT Tariff) to MI (LT Tariff) from February, 2016 onwards and to revise the bills accordingly with further direction restraining the Respondent-licensee from disconnecting power supply. The said representation of the Petitioner before the learned Ombudsman-I was registered as C.R. Case No.05 of 2023. The Learned Ombudsman-I, vide its order dated 13.03.2023, directed the Respondent-licensee to bill the Petitioner on kWh basis and not on kVAh basis from April, 2021 onwards and also revise the bill from April, 2021 onwards. The Petitioner was further directed to make payment of the revised bill amount in two equal monthly installments. Besides the Petitioner was directed to install a capacitor bank at his own cost in his premises to maintain optimum power factor.

5. Being aggrieved by the above directions of the Learned Ombudsman-I, the Respondent-Licensee had filed an application for review of order dated 13.03.2023 passed in C.R. Case No. 05 of 2023 before the Ombudsman-I and the said review application of the Respondent-Licensee was rejected vide order dated 18.05.2024 by the Learned Ombudsman-I. Thereafter the Petitioner herein has filed the present case for due compliance of the order of the Ombudsman-I passed in C.R. Case No.05 of 2023. The Order passed by the learned Ombudsman-I was in two folds, firstly the Respondent-licensee was directed to 'revise the bills from April, 2021 onwards by calculating energy charges in kWh (in place of kVAh basis) which would be paid by the Petitioner in two equal monthly installments and secondly the Petitioner-consumer was directed to install Capacitor Bank at its own cost in his industry premises to maintain power factor.
6. The Learned counsel for the Respondent-Licensee also submits that as per the interim order dated 08.10.2024 of the Commission, the Petitioner was directed to approach the Respondent-licensee for resolving the dispute in line with OERC Distribution (Conditions of Supply) Code, 2019. Thereafter, TPCODL, vide its Letter No.6317 dated 07.11.2024, has intimated the Petitioner-consumer that his metering has been changed from LT side to HT side, and for any further clarification, he is requested to visit the Office of the Respondent-licensee, but the Petitioner does not respond to said letter of the Respondent-licensee.

7. The Commission after hearing the parties herein remitted the matter to the Learned Ombudsman-I for examining the submissions of both the parties and to furnish a report to this Office by 11.07.2024 regarding compliance of its order passed in C.R. Case No.05 of 2023 in letter and spirit. Both the parties were directed to appear before the Learned Ombudsman-I, Bhubaneswar on 29.06.2024 to put forth their submissions on the matter. In the report furnished by the Learned Ombudsman-I, it is stated that as per the order dated 13.03.2023 passed in C.R. Case No.05/2023, the Petitioner was directed to be classified under the category LT (MI) and was to be billed on kWh basis from April, 2021 onwards. The Learned Ombudsman-I continues to hold the same view.
8. We heard the parties at length in the virtual mode. In course of hearing, the Petitioner through the Authorized Representative intimated that the Petitioner does not agree to the compliance made by the Respondent-Licensee in as much as the revision of the bills has not been made as per the order of the Learned Ombudsman-I passed in C.R. Case No.05 of 2023.
9. Both the parties are directed to sit with the Secretary, OERC after hearing for an agreeable solution in the matter. But no amicable solution could be reached in the discussion. Therefore, considering the submissions of the parties, the matter is sent to the Learned GRF, Khordha, to examine whether the order dated 13.03.2023 passed in C.R. Case No.05 of 2023 by Learned Ombudsman-I is complied with or not in letter and spirit. As such, the Respondent-licensee is directed to comply with the Order dated 13.03.2023 of the Ombudsman-I passed in C.R. Case No.05 of 2023 within 15 days of issue of this order and submit such compliance report to the Learned GRF, Khordha. Parties are directed to appear before the Learned GRF, Khordha on 05.12.2024 for further instruction of the Learned GRF, Khordha in this matter.
10. With the above observation, the case is disposed of. The Registry is directed to send a copy of this order to the office of the Learned GRF, Khordha along with the copy of the Petition forthwith.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson