

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

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

Case No. 39/2024

M/s. Maa Mangala Stone Crusher Petitioner
Vrs.

The Executive Engineer (Elect.), KED, Khordha,
TPCODL, Khordha. Respondent

**In the matter of: Application under Sections 142 & 146 of the Electricity Act, 2003
alleging non-compliance of order dated 07.11.2023 of the Commission
passed in Case No.97 of 2023.**

ORDER

Date of Hearing: 01.10.2024

Date of Order: 01.10.2024

This matter has been taken up for hearing through hybrid arrangement.

2. Shri Sadashiv Mangaraj, the Petitioner on behalf of M/s. Maa Mangala Stone Crusher and Shri Debashis Pattanaik, Learned Advocate on behalf of Respondent-License, TPCODL do appear. The submissions filed by the Respondent-Licensee is taken on record.
3. The Petitioner submits that the Learned Appellate Authority-cum-Additional Chief Engineer-cum-Electrical Inspector, Bhubaneswar, vide its order dated 09.08.2023 passed in Case No. AAC No.02/2023, has observed as under:

“In the light of the above observations and from the entire sequence, it appears me that the assessment is pre-motivated to frame the Appellant and hence it is order that:

1. *The final assessment of the Assessing Officer is quashed.*
2. *The Respondent is directed to refund Rs.4,32,000.00/- to the Appellant.*
3. *The Respondent is further directed to file compliance within 30 days from the date of receipt of the order, otherwise the Appellant will be at liberty to appeal before the Hon'ble Commission under Section 142 of the Act, 2003.”*
4. Since the Respondent-Licensee did not comply with the aforesaid order of the Learned Appellate Authority even after lapse of about eight months, the Petitioner filed the instant petition before this Commission invoking the provisions under Section 142 & Section 146 of the Electricity Act, 2003 with the following prayers:
 - To direct the Respondent-Licensee to comply the order passed by the Appellate Authority-cum-Additional Chief Engineer-Cum-Electrical Inspector, Bhubaneswar vide Case No. AAC No.02/2023, order dated 09.08.2023;
 - To direct the Respondent-Licensee not to disconnect the power supply till finalization of the matter before this Commission;

- To penalize the Respondent-Licensee under Section 142 & Section 146 of the Electricity Act, 2003.
5. The Learned Advocate appearing on behalf of the Respondent-Licensee submits that they have complied with the order dated 09.08.2023 of the Learned Appellate Authority-cum-Additional Chief Engineer-cum-Electrical Inspector, Bhubaneswar passed in Case No. AAC No.02/2023 and accordingly, a sum of Rs.30,67,774/- has been credited to the Petitioner's Consumer Account No.80000222291 by way of adjustment and has been reflected in the electricity bill for the month of May, 2024, which was served on 10.06.2024. This amount includes the Assessment amount of Rs.8,63,748/-, the payment of 50% of final Assessment amount (Rs.4,32,000/-) by way of credit adjustment and Rs.17,72,026/- on account of revision of DPS from January, 2013 to December, 2013. Therefore, the Learned Advocate of the Respondent-Licensee prays before the Commission to drop the present case filed by the Petitioner under Section 142 & Section 146 of the Electricity Act, 2003.
 6. Contrary to the above submissions of the Respondent-Licensee, the Petitioner further submits that the power supply to its Crusher Unit had been disconnected illegally from 10.01.2013 upto August, 2015 which has been observed by the Learned Appellate Authority in its aforesaid order dated 09.08.2023. The Respondent-Licensee has claimed charges for the above period of disconnection. Thus, the revision of bills made by the Respondent for this period is not correct.
 7. Upon hearing the parties and scrutiny of the documents submitted by them, we observe that the Respondent-Licensee has submitted the Ledger Account of the Petitioner only upto the month of December, 2023 along with the copy of the monthly electricity bill of the Petitioner for the month of May, 2024. It is observed from the electricity bill for the month of May, 2024 that an amount of Rs.30,67,774.44 has been adjusted towards arrear amount of the Petitioner. As submitted by the Respondent-Licensee earlier, this amount includes Rs.4,32,000/- towards deposit of 50% of the final assessment amount.
 8. Considering the submissions of the Petitioner and the Respondent-Licensee, it is concluded that the order dated 09.08.2023 passed by the Learned Appellate Authority-cum-Additional Chief Engineer-cum-Electrical Inspector, Bhubaneswar in Case No. AAC No.02/2023 has been complied with by the Respondent-Licensee. Thus, we are not inclined to proceed with the matter further under Section 142 & Section 146 of the Electricity Act, 2003. However, the Petitioner is at liberty to approach the Learned GRF, Khordha separately for any other grievances relating to billing dispute, if any, as claimed by it in its submissions referred at Para 6 above relating to charges during the period of disconnection of electricity.
 9. With the above observations, the case is disposed of.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson