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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. 42/2024

M/s. Utkal Graphites Pvt. Ltd. Petitioner
Vrs.
TPSODL & Others Respondents

In the matter of: Application under Section 37 of the Orissa Electricity Reform Act, 1995 read with Regulation 110 (3) of the OERC Distribution (Conditions of Supply) Code, 1998 alleging non-compliance of order dated 03.06.2024 of the CEO, TPSODL, Berhampur passed in C.R. No.01 of 2024.

ORDER

Date of Hearing: 12.11.2024

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This matter is taken up for hearing through hybrid arrangement.

2. Shri Somnath Patnaik, Learned Advocate for the Petitioner-M/s. Utkal Graphites Pvt. Ltd., Sri B.K. Das, Sr. GM (PP) along with Sri L.K. Mishra, DGM (Fin.), R&T, GRIDCO Ltd. and Sri Ashish Kumar Panda, Manager (Legal) on behalf of the Respondent-Licensee (TPSODL) do appear.
3. The Petitioner-M/s. Utkal Graphites Pvt. Ltd. has filed the present Petition under Section 37 of the Orissa Electricity Reform Act, 1995 read with Regulation 110 (3) of the OERC Distribution (Conditions of Supply) Code, 1998 for setting aside the order dated 03.06.2024 of the CEO, TPSODL and the order dated 28.11.2023 of the Superintending Engineer (Electrical), Electrical Circle, Rayagada, TPSODL passed in C.R. Case No.01 of 2024, Show Cause Notice dated 25.08.2001 and consequential notice dated 16.11.2018 and 15.07.2022 and also disconnection notice dated 09.06.2023 issued by the Licensee-TPSODL. The Petitioner also prays for a direction to the Licensee-TPSODL to restore the power supply to the Applicant's Unit at Samadola forthwith in respect of Consumer No.311001040063 and to direct the Licensee-TPSODL to accept its OTS proposal dated 10.03.2024 towards full and final settlement of energy dues in respect of both the units situated at Ambodola and Samadola.

4. The matter was heard on 06.08.2024 and in course of the hearing, the Respondents-TPSODL & GRIDCO Ltd. had vehemently opposed the above application and prayer of the Petitioner-M/s. Utkal Graphites Pvt. Ltd.
5. After going through the relevant provisions of the law, the documents placed and upon hearing the parties, the Commission had come to the conclusion that this is a fit case for referring it for arbitration as the dispute appears to be arbitrable. Accordingly, the Commission had nominated the Learned Ombudsman-I and Ombudsman-II of Electricity, Bhubaneswar, as Arbitrators for arbitration of the present disputes between the parties as they are the Expert body for resolving such disputes and the parties were directed to proceed on arbitration in accordance with law.
6. Accordingly, hearing on arbitration was conducted by the Arbitrators (Learned Ombudsman-I & Ombudsman-II) on 31.08.2024 & 23.09.2024 and the Arbitrators have submitted their report on arbitration before the Commission on 06.11.2024. The copy of the said report of the Arbitrators is handed over to the concerned parties during the hearing today.
7. After going through the report of the Arbitrators in the present case and upon hearing the parties, we observe that the Arbitrators have considered all the aspects of the disputes and concluded with judicious findings. Therefore, we direct the concerned parties to abide by the report dated 06.11.2024 of the Arbitrators in the present case and act accordingly to resolve the disputes. The said report dated 06.11.2024 of the Arbitrators pertaining to the present case does form part of this order.
8. With the above observations and directions, the case is disposed of.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson