

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24514 of 2011

Deputy General Manager, Electrical,
Khurda Electrical Division, CESU

Petitioner

Mr. D. R. Ray, Advocate

-versus-

Ombudsman No.1 and others

.... Opposite Parties

CORAM:
THE CHIEF JUSTICE
JUSTICE B.P. ROUTRAY

ORDER
29.07.2022

Order No.

08.

1. In view of the order passed today in CMAPL No.292 of 2021, the present writ petition is restored.

2. This is a petition directed against an order dated 13th April 2011 passed by the Ombudsman-I of the Orissa Electricity Regulatory Commission (OERC) in Consumer Representation Case No. OM (1) – 05 of 2011 and consequential order dated 16th August 2011, passed by the OERC, Bhubaneswar in OERC Case No.48 of 2011.

3. The above petition came to be filed by the Opposite Party-East Coast Railway (ECR) which filed a complaint before the GRF aggrieved by the testing of the metering equipments. It was alleged by the ECR that the metering installation was defective and consequently, the energy bills of the Kaipadar Road, Railway Traction Substation for the month of October 2010 was defective. It was prayed that the bill must be revised taking the average of the previous six months i.e., from April to September, 2010.

4. The GRF concluded that the Petitioner here should complete the testing of the meter and regulate the energy bills for the meter

defective period in accordance with the OERC Regulations. As regards the bill for the month of October 2010, it was directed that it should be revised by taking the Apex meter reading after deducting the transmission loss as per the Tariff order of the OERC.

5. Aggrieved by the above order dated 21st December 2010 of the GRF, the ERC went before the Ombudsman No.1, Bhubaneswar with the aforementioned Consumer Representation Case. As regards the order of the GRF requiring the present Petitioner to take steps to complete the testing of the new meter, the order of the GRF was not interfered with by the Ombudsman. As regards the issue concerning the revision of the bill, the Ombudsman reversed the order of the GRF and ordered that billing should be made as per Regulation 97 of the Distribution (Conditions of Supply) Code, 2004 ('Code') i.e. on the basis of average meter reading for the consecutive three billing periods succeeding the billing period in which the defect or loss was noticed. The Petitioner has challenged the above order dated 13th April, 2011 of the Ombudsman and the consequential order dated 16th August, 2011 of the OERC directing the Petitioner to comply with its earlier order dated 13th April 2011 and complete the replacement of the defective instrument transformers with new ones being arranged by the Railways through the help of OPTCL-STU.

6. Having heard learned counsel for the Petitioner and having perused the impugned orders of the GRF as well as the Ombudsman, the Court is of the view that no legal error has been committed by the Ombudsman in coming to the above conclusion as regards the issue concerning the revision of the bill for the month of October 2010 or as regards replacement of the defective transformers. If admittedly the meter was defective and called for

replacement, then obviously the billing had to be on the basis of the applicable Regulation 97 of the Code. The second petition came to be filed by the ECR only because the Petitioner did not comply with the earlier order dated 13th April, 2011 of the Ombudsman.

7. The Court is therefore unable to find any ground to interfere with the impugned order of the Ombudsman and the consequential order of the OERC. The writ petition is dismissed.

S.K. Guin



(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge