IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2999 of 2012

Executive Engineer (Electrical), Jajpur	....	***Petitioner***
		Mr. P. Mohanty, Advocate
	-versus-	
M/s. Maithan Ispat Ltd., Jajpur and others	....	***Opposite Parties***
		M/s. F. R. Mohapatra and associates, Advocates

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAIK

ORDER
02.08.2022

Order No.

08. 1. The challenge in the present petition by the Executive Engineer NESCO, Jajpur Road, Jajpur is to an order dated 20th October, 2011 of the Ombudsman issuing the following directions to the Petitioner:

> *"a. Energy bill for January, 2011—The energy charges billed earlier will remain as it was. Re-cast the demand charges, considering total contract demand of the company as 15000KVA.*
>
> *b. Energy bills from February 2011 to June 2011—As per Regulation 97 of OERC Supply Code 2004, Re-cast the energy bills on the basis of average meter reading for the consecutive three billing periods of the new meter (which has import and export recording facility) replaced. The average power factor of the above three readings is to be considered as the P.F. of each month for revision of the above bills from February 2011 to June, 2011."*

2. By the above order, the Ombudsman reversed the order of the Grievance Redressal Forum (GRF) dated 30th June, 2011 against

which the Opposite Party had filed Consumer Representation Case No.37 of 2011.

3. This Court has heard the submissions of learned counsel for the Parties.

4. One issue that was dealt with by the Ombudsman was whether fresh bills had to be prepared for the months of January and February, 2011 in the light of a new meter having been installed to replace the old meter, which did not have a provision for recording import and export energy separately. This energy meter (SEMS) was provided to the 220KV system. Since the said meter was defective, the bills for the period from February to June, 2011 were prepared by NESCO with data of the Apex meter Stationed at New Duburi Grid Sub-station where export recording was available. In this regard, it was noted by the Ombudsman as under:

> *"As per Regulation 77 of OERC Supply Code 2004, the average P.F. is regulated considering the installation of Petitioner company's load. The P.F. so arrived from the data of Appex Meter do not restrict to the installation load of the company rather, it also adds with the changing parameters of the transmission line from New Duburi Grid Sub-station to the company's 220KV Bus. Hence it will not be prudent to consider the data of the Appex meter, which will change with varying parameters of the transmission line and is denied.*
>
> *No law provides to segregate the date of two meters to prepare energy bills. Considering all the above aspects, the energy bill from February 2011 to June 2011 should have been revised on the basis of average meter reading for the consecutive three billing periods of the new meter (with provision of export and import recording facility) replaced as per Regulation 97 of OERC Supply Code 2004"*

5. It is after the above analysis of the factual position regarding the replacement of an old meter with a new one that the directions extracted above were issued by the Ombudsman. The view taken by the Ombudsman appears to be a plausible one and in exercise of its writ jurisdiction under Article 226 of the Constitution, the Court is not inclined to entertain the present petition.

6. The writ petition is dismissed. The interim order passed earlier stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M. Panda