

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6797 of 2010

Chief Executive Officer, WESCO **Petitioner**
Mr. P.K. Mohanty, Sr. Advocate

-versus-

Bhusan Power and Steel Ltd. & others **Opposite Parties**
Mr. S. Mohanty, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE A.K. MOHAPATRA

Order No.

ORDER
03.03.2022

17. 1. At the outset, on the oral prayer of learned Senior Counsel for the Petitioner, the name of the Petitioner is altered as Chief Executive Officer, Tata Power Western Odisha Distribution Ltd. (TPWODL).
2. The present petition is directed against the order dated 29th January, 2010 passed by the Grievance Redressal Forum (GRF) (Opposite Party No.2) in G.R.F. Case No.187 of 2009 whereby the complaint by the Opposite Party was accepted and it was held that the Opposite Party complainant is entitled to
- i. Refund of excess amount of revised prorata demand charges for the months March to June, 2009; and
 - ii. Refund of Rs.42,92,800/-, found to have been charged in excess towards overdrawal penalty for the month of July, 2009.

2. As far as issue (i) relating to prorata demand charges is concerned, it which is covered against the present Petitioner by order dated 21st April, 2014 passed by this Court in W.P.(C) No.16836 of 2009 (*Western Electricity Supply Company of Orissa Ltd. v. Grievance Redressal Forum Electrical Circle, Rourkela and another*). Consequently, this Court declines to interfere so far as the first issue is concerned.

3. As far as issue (ii) is concerned, the Court finds that it is purely based on facts. The Complainant was able to show that it had been charged overdrawal penalty during both non-peak as well as peak hours, which was obviously impermissible even according to the Tariff Order. Consequently, the differential amount was asked to be refunded.

4. The Court is unable to find any error in the impugned order dated 29th January, 2010 passed by the GRF in G.R.F. Case No.187 of 2009.

5. The writ petition is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(A.K. Mohapatra)
Judge

R.K. Singh/Jagabandhu