

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18000 of 2022

M/s Satyam Casting Pvt. Ltd.* *Petitioner

Mr.Umesh Chandra Behura, Advocate

-versus-

The Executive Engineer, TPCODL, *Opp. Party*
Cuttack

Mr. Pradeep Kumar Sahoo, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

14.09.2022

Order No.

2. 1. This matter is taken up through Hybrid mode.
2. Mr.Sahoo, learned counsel for the Opposite Party submits that he has filed Vakalatnama in Office, which be brought on record.
3. Petitioner in this writ petition prays for a direction to implement judgment and order dated 14th March, 2021 (Annexure-2) passed by the Grievance Redressal Forum, CESU (now TPCODL), Cuttack (for short, 'GRF') in C.C. Case No.CED/05 of 2011.
4. Mr. Behura, learned counsel for the Petitioner submits that the Petitioner had approached the GRF with a prayer for withdrawal of the penal demand charges in respect of its unit till October, 2010 and also for TOD pending from April, 2005 to October, 2006 and onwards. Considering its grievance, the GRF passed the following order:-

“The O.P. shall revise the bill of the complainant within 15 days of receipt of this order, by giving TOD facility from 01.04.05 @ 33.33% of monthly consumption, if off peak consumption is not ascertained, excepting those months in which TOD facility has already been allowed and by withdrawing over drawal charged from 19.11.05 which are within 120% of the Contract Demand. During revision of bills, the excess amount, if found, shall be adjusted in next bill.”

Although the order has been passed since 14th March, 2011, the Opposite Parties have not yet taken any step to act upon the said direction. Therefore, the Petitioner, finding no other alternative, approached this Court.

5. On perusal of judgment and order dated 14th March, 2011 (Annexure-2) passed by the GRF, it appears that at the foot of the order, following instruction has been given.

“If the complainant is aggrieved with either by this order or due to non-implementation of the order of the Grievance Redressal Forum in time, he/she can make representation to the Ombudsman-I, Qrs. No.3R-2 (S), GRIDCO Colony, PO: Bhoi Nagar, Bhubaneswar-751022 (Tel/Fax No.0674-2546264) within 30 days from the date of order of the Grievance Redressal Forum.”

It is, however, submitted by Mr. Behura, learned counsel for the Petitioner that no fruitful purpose would be served by approaching the Ombudsman for implementation of the said order. Further, the Petitioner can approach the Odisha Electricity Regulatory Commission (for short, ‘the Commission’) under Section 142 of the Electricity Act, 2003 (for short, ‘the Act’) to impose punishment on the Opposite Parties for non-compliance of order of the GRF.

6. It appears that the order sought to be implemented was passed on 14th March, 2011. Hence, this Court, without expressing any opinion on the submission of Mr. Behura, learned counsel, dispose of the writ petition with an observation that the Petitioner, if so advised, may work out its remedy in accordance with law.

Issue urgent certified copy of the order on proper application.



s.s.satapathy