



Together, Let us light up our
lives

ଓଡ଼ିଶା ବିଦ୍ୟୁତ୍ ନିୟାମକ ଆୟୋଗ
ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO.4, OERC ROAD, SHAILASHREE VIHAR, BHUBANESWAR -751021
TEL. No. 2721048, 2721049
E-MAIL: oerc@odisha.gov.in / orierc@gmail.com
WEBSITE: www.orierc.org

Present: Shri Pradeep Kumar Jena, Chairperson
Shri S. K. Ray Mohapatra, Member
Shri B. Mohanty, Member

Case No. 59/2025

Sri Ramesh Chandra Mohanty,
At-Gajapati Nagar, Badasankha, Puri Petitioner
Vrs.
The Executive Engineer (Electrical), TPCODL, PED, Puri Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 for violation of Regulation-17(i) of the OERC Distribution (Conditions of Supply) Code,2019 and illegally permitted a new supply connection to Sri Jagat Kumar Kar, M.D. of Dharma Infra Projects (P) Ltd.

For Petitioner: Shri Rabin Kishore Behera, Authorized Representative.

For Respondent: Shri Goutam Jayprakash, HoG-Legal, TPCODL & Ms. Abhilasha Panigrahi, Lead Associate-Legal, TPCODL

ORDER

Date of Hearing:05.08.2025

Date of Order: 05.08.2025

This matter is taken up for hearing through hybrid arrangement.

2. The Petitioner has filed the present application under Section 142 of the Electricity Act, 2003 alleging violation of Regulation-17(i) of the OERC Distribution (Conditions of Supply) Code,2019 by the Respondent in illegally permitting a new supply connection to Sri Jagat Kumar Kar, M.D. of Dharma Infra Projects (P) Ltd.
3. It is submitted by the Representative of the Respondent-Licensee that the instant petition being not maintainable is liable for dismissal at the very threshold in view of the fact that the alleged violation was never agitated before the learned GRF, Bhubaneswar in C.C. Case No.41 of 2025. We have heard the Learned Counsel for the Petitioner and the Respondent and the order passed by the Learned GRF, Bhubaneswar in C.C. No.41 of 2025 and the order dated 31.05.2025 passed by the Learned Ombudsman, Bhubaneswar.
4. The Learned GRF, Bhubaneswar by order dated 13.03.2025 disposed of C.C. No.41/2025 directing the Respondent to act as per the direction of the Civil Court before whom the validity of the deed of Power of Attorney dated 19.06.2019 is challenged. The Petitioner carried the matter to the Learned Ombudsman in C.R. Case No.OM(I)-51/2025 which was dismissed by order dated 31.05.2025
5. The Learned GRF taking note of the fact that the matter pertaining to the validity of the above deed of Power of Attorney is sub-judice before the Civil Court dismissed the complaint of

the Petitioner but directed the Respondent to act as per the direction of the Civil Court. This order was affirmed by the Learned Ombudsman. It is pertinent to note that except the above direction given to the Respondent there is nothing either in the order of the Learned GRF or in the order of Learned Ombudsman which is sought to be implemented in this case u/s 142 of the Electricity Act, 2003.

6. In course of the hearing, the Petitioner does not dispute the fact that the allegations of violation of Regulation 17(i) of the OERC Distribution (Conditions of Supply) Code, 2019 were never raised before the Learned GRF and Learned Ombudsman. Thus, it is evident that the Petitioner has come up with the instant application making fresh allegations. Section 142 of the Electricity Act does not confer a right on the Commission to determine an issue which was never raised either before the Learned GRF or Learned Ombudsman. However, in course of the hearing the Petitioner express his desire to withdraw this application and accordingly, files a memo to that effect. In view of this memo, we find nothing to proceed in the instant application. Consequently, this application is disposed of, as withdrawn.

Sd/-
(B. Mohanty)
Member

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

Sd/-
(P.K. Jena)
Chairperson