

Engineer, B.N.E.D., Bhanjanagar through a pleader notice. However, the Executive Engineer disconnected the power supply to the unit of the applicant on 25.7.2000 due to non-payment of additional energy charge. The applicant complained about the matter before the General Manager, SOUTHCO, who referred the matter to Bijli Adalat. But no action was taken by the Bijli Adalat. Being aggrieved, the petitioner challenged the matter before the Civil Judge (Junior Division) Aska, who held that the petitioner should move the case before the appropriate authority as provided under Orissa Electricity Reform Act, 1995. Hence this petition.

3. The contention of the respondents is that a computerised meter has been provided in the premises of the petitioner since 24.9.98 to record consumption. The special features of these meters are that they can record interferences alongwith date of interference. The vigilance squad of SOUTHCO inspected the meter on 30.11.99 and during the course of their inspection, they found that R&B phases are missing from 6.3.99, for which the meter has recorded only 33% of the consumption and balance 66% of the consumption could not be recorded. The dump report corroborates the contention. Basing on the report of the vigilance wing, an additional energy bill has been raised adding 66% of the consumption which was not recorded by the meter since 6.3.99. Though the authority has provided the meter, the same is under effective control and custody of the petitioner. So there is every possibility of the meter being tampered by the consumer.
4. We have heard the arguments of both the parties. The consumption pattern of the consumer unit, for six months prior to 3/99, that is the month on which the meter remained defective, has also been perused by us. The average consumption for the aforesaid six months comes to 560 units where as the average consumption for a period of 15 months after 6.3.99 till 31.5.2000 comes to only 230 units. Thus the average consumption prior to 6.3.99 is much more than the consumption subsequent to the above date till 31.5.2000.
5. As per the dump load report dated 6.3.99, the meter was OK upto 6.3.99 and thereafter recorded reduced consumption due to missing of R&B phases.

6. The licensee has served a bill for this additional consumption at normal tariff rate applicable to the category. Thus, the licensee has not alleged tampering of the meter but has charged the consumer on estimated consumption as indicated above.
7. Issues for determination before us are whether there has been any contravention of the provisions of the Regulations in billing the consumer and whether the petitioner is entitled to any relief in the matter.
8. On analysis of facts we find that the meter in the premises of the consumer was defective after 05.03.99. It is however noted that the consumer was not intimated about the defective meter until revised bills for additional consumption was served on 09.06.2000. The explanation of SOUTHCO that the Vigilance Wing delayed the communication for which billing was delayed is not quite acceptable. It is also noted that neither the licensee nor the consumer referred the case to the Electrical Inspector who is the only legally competent authority for determining the defective nature of the meter and for determining the quantum of energy consumption in the absence of a working meter. We have to note that the billing by SOUTHCO on the basis of estimated consumption in the manner it has been done is not supported by any OERC provisions of Law or Regulation. When the meter was defective, SOUTHCO was entitled to prefer the bill on load factor basis in pursuance of Clause 60(2) of the OERC Distribution (Conditions of Supply) Code, 1998 and not on estimated figures.
9. SOUTHCO is directed to revise the bill accordingly within a fortnight and send a written communication to the petitioner indicating compliance with this order. We have to observe that SOUTHCO must strictly follow the Regulations laid down by OERC in the matter of billing and also avoid delay in preferring revised bills consequent to detection of defects in meters. Consumer's presence during testing and his acknowledgement in the inspection note are also to be ensured in future.
10. The petition is disposed of accordingly.

(H.S. SAHU)
MEMBER

(D.K. ROY)
CHAIRMAN