

**ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR-751 012**

**Present : Shri D.C. Sahoo, Chairman
 Shri H.S. Sahu, Member
 Shri B.C. Jena, Member**

Case No.2/2002

Central Excise & Customs, Rayagada **Petitioner**

- Vrs. -

Managing Director, SOUTHCO, Berhampur **Respondent**

For Petitioner : Mr. C.K. Dalai, Superintendent (Admn.)

For Respondent : Mr. M.K. Mohapatra, Advocate

Date of argument : **08.02.2002**

Date of Order : **27.03.2002**

ORDER

1. This proceeding arose out of an application filed by Superintendent Administration Central Excise and Customs, Rayagada Division, Rayagada, alleging non- implementation of the decision of the conciliation proceeding of the Grievance Redressal Forum of OERC by SOUTHCO.
2. The brief facts of the case is that Rayagada Division of Central Excise & Customs Division is GP consumer with a contract demand of 148 KVA being availed at 11 KV. Power is being supplied from a 250 KVA 11/0.4 KV transformer to the office and residential complex situated in the premises and the consumption was being charged at General purpose tariff rate. The petitioner approached the respondent for reduction of contract demand to 36 KVA. He also requested for installation of two

meters, one for residential complex and another for office building. The petitioner also deposited the requisite fees for separation of meters by removing the HT meters, and installing LT meters. Subsequently, the Ex. Engineer advised the petitioner, for installation of a separate transformer. After the transformer was installed the Ex. Engineer Rayagada did not energize it in spite of repeated requests by the petitioner. Being aggrieved by this, the petitioner, approached the Consumer Grievance Redressal Forum of the Commission, which, on mutual agreement of the parties, decided that the concerned Ex. Engineer should complete the installation and energize the 2nd transformer by 31.01.2000. Further, the contract demand of the applicant should be reduced and revised bills should be issued accordingly with effect from 01.02.2000. No additional amount will be charged for commissioning of the transformer and power supply.

3. However, after much persuasion by the petitioner, the second transformer was energized on 20.09.2000, but the bill has not been made at the reduced contract demand mutually agreed with effect from 01.02.2000. The petitioner, therefore, prays that the respondent should be directed to raise the bill on reduced contract demand with effect from 01.02.2000 instead of 20.09.2000, and the extra amount paid by the Central Excise Department may be refunded by way of adjustment.
4. In its reply SOUTHCO has submitted that it had agreed to install the transformer by 31.01.2000 and reduce the contract demand with effect from 01.02.2000 in the conciliation proceeding taken by OERC. However, in spite of several correspondence, the petitioner, failed to supply the test report/ completion report etc. As a result, the supply engineer could not carry out the decisions of the conciliation proceedings for energizing the transformer and reducing the contract demand with effect from 01.02.2000. After receipt of Inspection Report and Test Certificate on 14.09.2000, the supply engineer has effected the power supply on 20.09.2000.

5. We have heard the Suptd. Of Central Excise and Customs, Rayagada. We have also perused the written reply filed on behalf of M.D. SOUTHCO.

Regulation 38 of OERC Distribution (Conditions of Supply) Code, 1998 provides that

“After compliance with the provisions of Regulation 20 (Payment of Security Deposit) by the applicant and within three days of receipt of the completion report and the test report of the licensed contractor, the Engineer will give three clear days notice to the applicant of the time and the date when his representative proposes to inspect and test the installation. It shall then be the duty of the applicant to arrange his licensed contractor or other representative to be present during the inspection to give the Engineer or his representative any relevant information required by him concerning the installation. On due compliance by the applicant, the Engineer shall complete the inspection of applicant’s installation within a period of ten days from the date of receipt of the test report of the licensed contractor”.

Regulation 44 of the aforesaid Code provides that

“Within seven days of the approval of applicant’s installation, the engineer shall commence supply of power to the applicant under intimation to him.”

6. It is seen from the Test Report that the petitioner has signed the same on 14.09.2000 that the Test Report has been submitted to the respondent on or after 14.09.2000. The petitioner also states that the second transformer had been energized on 20.09.2000. Therefore, the time for commencement of supply is well within the permissible limit of seven days after approval of the applicant’s installation as prescribed in the Code. The Supply Engineer has effected power supply on 20.09.2000 after receipt of

the test certificate from the petitioner, which is signed by him on 14.09.2000. Therefore, he was not able to reduce the contract demand from 01.02.2000 as agreed by the respondent in the conciliation proceedings.

7. The view of the above, the prayer of Superintendent Central Excise and Customs for revising the bill on the basis of reduced contract demand with effect from 01.02.2000 instead of 20.09.2000 and refund of excess amount is rejected.
8. However, before concluding, Commission would like to mention that SOUTHCO has failed in discharging its obligation as a supply company by advising the petitioner consumer to install a 2nd transformer when the total load remained almost same and segregation of load was only involved. The Commission considers it as a clear case of exploitation of innocent consumers through abuse of monopoly powers.
9. The Commission directs that SOUTHCO conduct an investigation into the case expeditiously and fix responsibility against errant officials for such gross violation of rules and take deterrent action against them so that such an incident is not repeated in future under intimation to the Commission within one and half months to be reckoned from issue of this letter.

(B.C. JENA)
MEMBER

(H.S. SAHU)
MEMBER

(D.C. SAHOO)
CHAIRMAN

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Dt.27.03.2002 Order is ready and pronounced as per separate sheets.

MEMBER (J)

MEMBER (S)

CHAIRMAN