
CASE No.2/2003

- Vers. -

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Respondent

Date of order : 20.02.2003

ORDER

2. Respondent (CESCO) has stated in its reply that it has no objection for establishment of the proposed D.G. Set subject to clearance of arrears and penal energy bill claimed against the petitioner.

3. We have heard the petitioner, in absence of the respondent. The petitioner intends to install the D.G. set in question with a view to avail alternative power supply during periods of grid failure/shut down. The respondent had served a penal bill amounting to Rs.14,83,220/- (Rupees fourteen lakh eighty three thousand two hundred twenty) only on the petitioner. The petitioner has instituted OJC No.889/02 in the Hon'ble High Court of Orissa challenging the said penal bill. As per the order dt.07.02.02 passed in Misc. Case No.832/02, arising out of OJC No.889/02, the petitioner deposited Rs.2 lakhs (Rupees two lakhs) only and got the supply restored. Realisation of the balance amount has been stayed by the Hon'ble High Court of Orissa. As such, non-deposit of the balance amount of the disputed bill cannot be a ground to refuse consent in the instant case. The petitioner has paid the energy dues for the months April, 2002 to August, 2002 amounting to Rs.5,45,864/- against the bill amount of Rs.5,50,093/-. The differential amount of Rs.4,229/- is on account of surcharge levied for delayed payment. According to the petitioner, since there has been no delay in payment, it has not paid the surcharge amount. The petitioner filed copies of energy bills and money receipts which show that he has paid energy charges regularly during the months September, 2002 to January, 2003 and there is no outstanding against him for the said period. Under such circumstances, it cannot be construed that the petitioner is currently a defaulter, apart from the disputed amount stayed by the Hon'ble High Court. Thus, his prayer for installation of the D.G. Set in question cannot be withheld on this pretext. Considering the above facts and circumstances of the case, it appears to us that ends of justice will be best served if consent for installation of D.G. set, as applied for, is given to operate in standby mode. Hence ordered.

ORDER

That the petition is allowed. Consent is hereby given in accordance with Sec. 44 of the Electricity (Supply) Act, 1948 r/w Sec. 21 (3) of the Orissa

Electricity Reform Act, 1995 for installation of a 125 KVA Diesel Generating Set in the factory of the petitioner situated at Industrial Estate, Khapuria, Cuttack subject to fulfillment of the following conditions:

- a) The petitioner shall run the D.G. set only during power interruptions/failures from CESCO to its factory in a standby mode.
- b) The petitioner shall not without the further consent from Commission make any material variations in the mode of operation of the D.G. set.
- c) All statutory provisions relating to installation and safety are to be fulfilled and compliance obtained from Electrical Inspector, Govt. of Orissa.
- d) The energy generated shall not be sold to others.
- e) The installation should be subject to inspection by the respective field Superintending Engineer (Elect.), Executive Engineer (Elect.)/Electrical Inspector, Govt. of Orissa or their authorised representatives and should comply with the requirements as indicated by them.
- f) A suitable 3 phase energy meter duly tested should be installed for the D.G. set for recording the energy generated and consumed. The meter should be duly sealed by the concerned Electrical Inspector.
- g) The installation shall be energised only after written permission of Chief Electrical Inspector/Electrical Inspector, Orissa or his authorised representatives.
- h) Actual installation of the set should be in conformity with the specification furnished by the petitioner.
- i) The Electricity Duty as due to the State Government shall be paid within the prescribed time as directed by Electrical Inspector.
- j) The consent granted may be withdrawn at any time if any one or more of the conditions are violated.

Copy of this order be sent to the parties concerned and to the Chief Electrical Inspector, Orissa, Bhubaneswar for their information and necessary action.

(B.C. Jena)
MEMBER

(H.S. Sahu)
MEMBER

(D.C. Sahoo)
CHAIRMAN

Dt.20.02.2003

Order vide separate sheets is passed today. The petition is allowed and consent is given for installation of the D.G. set. for operation in standby mode subject to fulfillment of the conditions as stipulated in the order.

MEMBER (J)

MEMBER (S)

CHAIRMAN

