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Central Electricity Supply Company of Orissa Limited

- petition to the Appellate Authority with intimation to both the sides as the case related to an alleged unauthorized use of electricity and assessment thereof.
2. The petitioner received back the original petition on 30.06.05 and has come up with this petition on 01.08.05 submitting that the final order under section 26 are not being served on him for which he is unable to approach the Appellate Authority under section 127 (1) of the Act, 2003. Due to negligence and omission of the concerned officers of the licensee, the petitioner is unable to file his representation before the Appellate Authority. The petitioner, therefore, has prayed to direct the respondent to pass final order under section 126 of the Electricity Act, 2003 and impose penalty against the licensee under section 142 for violation of the provisions of the Act.
  3. The case was heard on 9.10.05 on the question of admission. Mr. D. Mohanty, learned counsel for respondent submitted that the petition is liable to be dismissed with cost as there is no ground to admit such petition as alternative efficacious remedies are available to the petitioner for redressal of his grievances. The Respondent has established consumer redressal mechanism like Grievance Redressal Forum (GRF) at different places of its area of supply. Any consumer can approach the concerned GRF for redressal of his grievances. He stated that a body like GRF is exclusively dedicated for adjudication of consumer complaints and such forum is competent to grant remedies available under the provisions of the Electricity Act, 2003. Therefore, the Commission should not intervene in disputes between a licensee and consumer as the Act, 2003 no-where provides for such a settlement of disputes by the Commission.
  4. The petitioner submitted an amended petition that "the Hon'ble Commission having admitted the Case No.95/2004 and having passed an interim order dt.02.08.04 may hear the Case No.95/2004 and pass final order, particularly as the appellate authority designated under Electricity Act, 2003 has no jurisdiction in the present case".

5. In reply, the Respondent contended that the Commission in its order dt.02.08.04 had passed only an interim relief to the petitioner until settlement of the dispute raised by him at an appropriate forum which shall not be construed that the case was heard on merit by the Commission.
6. The question before us is whether the Commission is the appropriate authority for disposal of this case and whether it is appropriate on the part of the Commission to direct its adjudication by another authority when an interim relief was already granted by the Commission vide its order dt.02.08.04.
7. For settlement of grievance of the consumers, machineries at various levels including the normal hierarchical channel available to the consumers following the Complaint Handling Procedure of the licensee have been established.
8. The Act envisages exclusive institutions for quick settlement of the consumer grievance for which Grievance Redressal Forum has been constituted by the licensee who are mandated under clause 3(9) of the OERC (Grievance Redressal Forum and Ombudsman) Regulation, 2004 to ensure decisions on every complaint within the maximum period of 45 days from the date of receipt of complaint by it.
9. The Commission has established Ombudsman for each of the licensee where representations can be filed by the complainants for non-redressal of the grievance by the forum according to clause 6 of the aforesaid regulation.
10. That apart, in part XII of the Act, Investigations and Enforcement provisions, Assessment under 126 and Appeal to appellate authority under 127 have also been provided for settlement of consumer grievances.
11. This is notwithstanding the fact that the provisions of the Consumer Protection Act, 1986 are intact after enactment of 2003. This makes it clear that it was neither the intention of the legislature nor it is desirable that the Commission should always be intervening in consumers dispute

for which several fora are already in place which shall have to be exploited by the consumers for redressal of their grievance.

12. As has been very rightly pointed out by the Respondent, the Commission provided instant relief to the consumer without getting into the merits of the case and had directed to take back the case from the Commission for filing before the Appellate Authority as the petitioner challenged the orders of the Assessing Authority keeping in view the provisions of Sections 126 and 127 of the Act, 2003.
13. In the amended petition dt.29.10.05, it has been submitted that the Appellate Authority designated under Electricity Act 2003 has not jurisdiction in the present case. But, he has failed to convince the provisions under which the Commission should directly adjudicate the consumer cases while so many institutions have been established for redressal of consumer grievances. The GRF is competent for adjudication of complaint of any nature, whatsoever, including any defect, deficiency in the electricity service subject to the provisions under the Act. The Commission also concurs with the view of the Respondent that grant of interim relief cannot be construed that the Commission heard the Case of 95/2004.
14. In view of this, the petitioner is free to approach any forum that it considers appropriate including the GRF which is mandated for settlement of any consumer grievance within 45 days from the date of its filing.
15. Therefore, it is not a fit case for admission for hearing.

Hence the petition stands rejected.

Sd/-  
**(S.K. Jena)**  
**Member**

Sd/-  
**(D.C. Sahoo)**  
**Chairperson**