

ORISSA ELECTRICITY REGULATORY COMMISSION

**BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012**

Present : Shri B.K. Das, Chairperson
Shri K.C. Badu, Member
Shri B.K. Misra, Member

Case No.70/2008

M/s Jagannath Cold Storage &
Tamarind Kernel Products Industry

.... **Petitioner**

Vrs.

MD, SOUTHCO & Others

.... **Respondent**

In the matter of: An application U/s 142 of the Electricity Act, 2003.

For the petitioner : Mr. Jagamohan Pattnaik, Advocate

For the Respondents : Mr. S.K. Choudhury, GM (C), SOUTHCO
& Mr. D.K. Mohanty, Advocate

Date of Hearing: 17.07.2009

Date of Order: 07.08.2009

ORDER

1. The petitioner has installed a Cold Storage unit at Rayagada with the capacity of storing Tamarind for 1000 metric tones as well as finished deseeded tamarind kernels product of 9000 quintal per annum w.e.f. dtd. 08.08.1997. To run his Cold Storage, the petitioner has applied to the Respondents for connection of power supply to the proposed industrial unit of 80KW on 05.05.98 and on the same day the SDO (Elect), Gunupur had issued a letter to fulfill all the formalities as per the supply code. The licensee had issued the sanction order for providing electricity with the connected load of 46KW to

the petitioner's industry and also directed the petitioner to make payment of Rs. 3,26,518.00 i.e, Rs.54,307.00 towards security deposit and Rs. 2,72,201.00 towards construction of 1.50 Kms of 3 phase 11KV line and installation of 1no. 11/0.4kV, 100KVA S/s. As per estimate order, the petitioner has deposited the estimated amount of Rs.3,26,518.00 on 01.09.1999. There after executed an agreement for supply of power with a contract demand of 46 KW on 04.09.99 and availed the power to his cold storage. He had paid the electricity charges in each month regularly.

2. He also stated that the licensee had been supplying the power in a regular manner till 30th Mar, 2005. Thereafter, the supply became interrupted frequently since 1.4.2005 and ultimately became chronic for which the commodities (Tamarind) which were stored in the chilling chamber of the different customers worth Rs.1.50 crore were damaged due to interruption of power supply by the respondent. The petitioner had submitted a representation to the respondent No. 3 on 29.6.2005 regarding interruption of the power supply and requested him for steady power supply to his cold storage in order to save from the loss Rs 2.00 crores.
3. The petitioner also stated that he had submitted several representations before the respondent Nos. 2&3 on 12.7.2005 and 13.7.2005 regarding power supply to his cold storage with C.D. of 56KW. The cold storage was not getting the steady power supply even for 10 to 12 hrs continuously per day, as result of which the commodities stored there were damaged due to non-availability of continuous power supply. For this the customer were generally hesitant to pay the rent and alternatively, they were like to claim compensation for the loss. He had established the cold storage with the financial assistance of the Govt. and as well as Bank. Due to the above reasons he could not be able to pay the interest as well as the principal of loan amount for which the financier has seized the cold storage. But the respondents took no step to eradicate the problem but on the other hand issued letter on 3.8.05 for payment of electricity bill.

4. The petitioner being aggrieved by the inaction and irresponsiveness of the respondents filed a complaint before the GRF, Jeypore seeking the direction of the learned Forum to the licensee to maintain steady power supply to his cold storage and also for compensation of Rs.2.00 crore for damage caused by the respondents. By admitting the above complaint of the petitioner the said GRF registered it as CC No. 28/05 and disposed of it by its Order dtd. 23.09.05 directing the respondent No.3 as follows:

“to avoid the problem, a proposal has submitted to the S.E.(Elect), Circle, Rayagada for installation 630KVA S/s at Bikramapur and construction of 1.7Km 11KV line on 22.9.05.

The OP should have apprised the position to the complainant, either at the time of supply of power or on the complaint made in the matter and the forum directs as follows:

The interruptions problem has to be solved as per the time schedule shown in annexure-I of OERC (Licence Standards of Performance) Regulations, 2004 with suitable strengthening the trunk line for the time being and maintain the interruption registered by the area lineman to monitor and eradicate the avoidable cause of interruption.

Pronounced on 23.09.2005 at Circuit Court, Rayagada and the case disposed of accordingly.

5. Thereafter, the petitioner has submitted a representation before the respondent No.3 alongwith the order of the GRF, Jeypore in Case No. 28/05 for compliance but the said respondent without complying the aforesaid order had issued a letter to the petitioner to execute the subsequent agreement for higher load. Being aggrieved by the respondents, the petitioner has filed this case before the Commission u/s 142 of the Electricity act, 2003 for issuance of necessary direction to the respondents for implementation of the order dtd. 30.09.2005 passed by the GRF, Jeypore in consumer complaint case No. 28/2005 as there was lapse of 3 years from where it was directed “interruption problem has to be solved as per the terms of schedule of OERC (Licence Standard of Performance) Regulations, 2004 with suitable strengthening the trunk line for the time being and maintain the interruption register by the area

lineman to monitor and eradicate the avoidable cause of interruption”. But the licensee has not carried out the said order of the GRF, Jeypore till today. It has been observed that a proposal has been submitted to the S.E.(Elect), Circle, Rayagada for installation 630KVA S/s at Bikrampur and construction of 1.7Km of 11KV line on 22.9.2005. He prayed to the Commission to direct the respondents for due implementation of the order of the GRF, Jeypore and also impose penalty on the respondents for non-compliance of the aforesaid order of the GRF.

6. Mr. Choudhury, G.M(C) of the licensee stated that the petitioner has filed the above case u/s 142 of the Electricity Act, 03 with a prayer for implementation of the order dtd. 30.9.05 passed in Case No. 28/05 by the GRF, Jeypore as per time schedule in the OERC (Licence Standard of Performance) Regulations, 2004 with suitable strengthening the 11KV line. As per the order of the said GRF the licensee had taken steps to solve the interruption problems and to minimize the same by taking the following initiatives.

- a) The partially damaged insulators in the 11KV line has been replaced by new one.
- b) Trimming of tree branches along the 11KV line has been made periodically wherever necessary.
- c) All the jumpers, sockets, nuts and bolts along the line has been checked and rectified.
- d) The other related problems like sagging of conductor, loosening of stays etc. has been rectified after thorough patrolling.

7. The petitioner had executed the agreement for a load of 46KW which was subsequently enhanced to 56KW but the licensee has raised the load to 61KW as per the static meter, which is installed in the premises of the unit. From the recorded demand it is found that the petitioner has enhanced its load from 56KW to 61 KW for which he was intimated to execute a fresh agreement for 61KW load but he has not taken any step to execute the agreement. It is also

found from the consumption pattern of the petitioner and from the enhancement of the load, the interruption problem has substantially minimized. He also stated that due to non-payment of arrear dues amounting to Rs.1,48,534/-, the licensee had disconnected the power supply to the unit of the petitioner on 30.07.2008 after due serving notice. There was also earlier disconnection of power supply on 31.05.2002 and reconnected on 31.01.2004 after lapse of two years due to non-payment of energy dues. It is observed from the consumption pattern of the petitioner's unit that there was no such sign of interruption during April, 2005 to September, 2005 as the consumption increased comparison to the corresponding period of the previous year. As the petitioner could not make the payment of electricity dues in time, with malafide intention he approached different fora with fabricated periods claiming compensation.

8. Mr. Choudhury further stated that as per the direction in the order dated 05.05.2009 the petitioner has not deposited 50% of the arrear dues on or before 15.05.2009 for reconnection of power supply to its unit. In the above order, the Commission has appointed Shri B.D. Patro, Ex-SE, SOUTHCO to enquire into the matter and report the same to the Commission on power supply position to the unit of the petitioner and necessary steps should be taken up by the licensee to eradicate the problems within 15 days from the date of receipt of such recommendation. The said Technical Expert has submitted its report to the Commission on 09.06.2009. In the inquiry report Shri Patro has given three suggestions for eradicate of the low voltage and frequent interruption problems of the petitioner, which are quoted below.

- i) "33KV line is available at Bikrampur about 1.5Km from the consumer premise it is suggested that 33/0.4KV transformer available with Southco may be used LT line of about 1.5Km should be drawn. This can be done early and economical with less time also the transformer loss may be levied as is being levied now.

- ii) A 11KV line exists at 2.1Km from the consumer premises getting supply from Gunpur (Gadeakhala feeder) as ascertained this feeder experiences very less interruption as such supply can be extended from this line.
- iii) The works of Akhusingi grid switching station for converting to 33KV feeding S/s is in progress, and expected to be completed by OPTCL. SOUTHCO has also taken step for construction of the lines to reduced the interruption frequency, and low voltage problem in the area . Particularly 33KV interruption shall be maintained at minimum level.

The 11KV feeder from Ukumba S/s now drawn in a zigzag and haphazard manner which causes attending faults difficult and time taking, particularly during night hours. It is advisable to draw a 11KV line on the side of state high way from Ukumba to Bikrampur/Jaganath cold storage so that the interruptions could be attended conveniently and early for that area in full.

As discussed with CEO the Akhusingi-Padmapur line is being constructed by SOUTHCO and likely to be completed by August,09. Synchronizing with the commissioning of Akhusingi Grid by OPTCL hence suggestion at Sl No. 3 is both acceptable and achievable.

At present the power supply of the consumer has been disconnected and as seen the premises are locked by financier. As such either of the suggestion at Sl. Nos. 1 & 3 may be taken up depending on how soon the consumer power supply is to be restored”.

Mr. Choudhury stated that it will be difficult by the licensee to carry out the first suggestion of the inquiry report as 33/0.4 KV transformer which is available is already fully loaded. As per second suggestion of the enquiry report, the licensee will bear the cost of extention of the existing 11 KV line at 2.1 km. from the petitioner’s premises getting supply from

Gunpur (Gadeakhala feeder) as this feeder experiences very less interruption. He further mentioned that with charging of line and transformer installed under RGGVY, the distance of 2.1 Km would be reduced to about 1 Km.

9. After hearing the parties and perusal of the enquiry report submitted by Sri Patro, to eradicate the problem of low voltage, frequent interruption faced by the petitioner, we direct the licensee to implement the second suggestion as agreed to by both the parties by constructing the line at the cost of the licensee(SOUTHCO). The petitioner is directed to deposit 50% of the arrear dues of Rs.1,48,534 on or before 31.07.2009 and rest of the arrear dues may be deposited within 30th September, 2009. The licensee shall restore the power supply to the unit of the petitioner after the first installment is paid by the petitioner on or before 31.07.2009. The current charges as billed by the licensee for consumption of the cold storage, after reconnection, will be paid regularly by the petitioner.
10. Before parting with this order the Commission can not resist to record its anguish and displeasure on the way the grievances of the consumer have been handled by the licensee in the instant case. Instead of playing a facilitating role to promote small and medium industries in this backward region by ensuring quality supply of power for which appropriate cost of supply should be realized, the licensee is showing callous attitude which is highly undesirable and needs to be condemned. The licensee is hereby cautioned and warned not to repeat such attitude in future.
11. With these directions and observations the case is disposed of.

Sd/-
(B.K. Misra)
Member

Sd/-
(K.C. Badu)
Member

Sd/-
(B.K. Das)
Chairperson