

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.137/2009

Akrura Charan Das	Petitioner
Vrs.		
SE, Electrical Circle, CESU, Cuttack & Others	Respondents

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

For the petitioner: Mr. K. K. Jena, Advocate

For the Respondents: Mr.B. K.Nayay, Advocate & D.K.Mohanty, Advocate

Date of Hearing : 04.12.2009

Date of Order : 07.12.2009

ORDER

Mr. Karunakar Jena, Advocate for the petitioner stated that his client is a consumer under S.I. Category of the licensee CESU bearing consumer No. IBB/93 with contract demand of 8KW under the jurisdiction of J.E., Electrical, CESU, Badachana, Cuttack. He was availing power from 63KVA transformer installed in the village Nishimala. The said transformer was damaged on 9.7.08 and was replaced with 100KVA transformer on 28.7.08. But after charging of the 100KVA transformer some unscrupulous people removed one phase of the LT line thereby not enabling the petitioner to avail power supply. Then the petitioner approached the SDO (Elect), Badachana, the E.E., CED, Cuttack and the S.E., Cuttack Circle, Cuttack for restoration of his power supply but all of his efforts were in vain. Thereafter, the petitioner filed a consumer complaint before the GRF, Cuttack bearing C.C. Case No. CED/76/08. The said Complaint Case was disposed of on 12.9.08 with the following direction;

“The power supply to the Complainant’s unit be restored immediately. A compensation of Rs.200/- shall be paid to the Complainant, by way of adjustment in his next bill”

2. As the respondents failed to comply with the above orders of the GRF, Cuttack, the petitioner filed a Writ Petition before the Hon’ble High Court bearing W.P(C) No. 16958 of 2008. The Hon’ble Court disposed of the aforesaid Writ Petition by directing the petitioner to file appeal before the Ombudsman-I. Accordingly, the petitioner filed a consumer representation bearing CR Case No. OM(I)-67 of 2008. The said CR case was disposed of by the following orders;

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Be that as it may, in view of the orders of the GRF, as well as terms of the Conciliation Proceedings, it is the first and foremost duty of the respondent to restore power supply to the petitioner immediately. On the above facts and circumstances coupled with the documents filed by both the parties, it appears that due to protests of a group of villagers the power supply could not be restored to the rice haller of the petitioner yet. However, in view of the report of the SDO, Badachana dtd. 12.2.09 as the Inspector-in-Charge, Badachana has assured to take appropriate steps within 10 days for the ends of justice, I feel it proper to direct the SDO, Badachana to take effective steps to co-ordinate between the petitioner, villagers and the I.I.C, Badachana so as to restore the power supply within 7.3.09 failing which the petitioner would be at liberty to file complaint before the appropriate Commission as per provision u/S. 142 of the Electricity Act, 2003.

Hence, the case is disposed of accordingly.”

3. Accordingly, the Petitioner had filed a petition u/S. 142 of the Act, 2003 before this Commission. The Commission did not admit the said petition but disposed of the said petition by following observations which are given below:

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“The Ombudsman shall in the first instance act as a conciliator and mediator in matters which are the subject matter of the representation filed”.

Since the mediation and conciliation in this case is too perfunctory and since failure of conciliation is not apparent at all and since the licensee has never refused to restore the supply to the consumer and is facing other problems, it is in the fitness of things that a conciliation is attempted afresh and the matter is resolved by mutual agreement amongst all parties including those villagers apposing the restoration of supply to the petitioner. Assistance of local administration may also be taken for the purpose. If the conciliation and mediation fails altogether, then an award be made after hearing the parties.

Thereafter, the petitioner filed its representation before the Ombudsman-I which was registered as CR Case No. 28/09 and was disposed of by the said ombudsman-I vide its order dated 6.7.09 with the following direction.

Hence, the case is disposed of accordingly.

the aforesaid order of the ombudsman-I and also for imposition of penalty for violation of the said order u/S 142 of the Electricity Act, 2003.

5. Mr. Chitaranjan Swain, E.E., CED, Cuttack in its written reply submitted that as per order of the GRF, Cuttack and also as per order of the Ombudsman-I, the respondents have restored the power supply to the rice huller of the petitioner immediately and the direction regarding the compensation to be paid to the petitioner by way of adjustment in his next bill has not been complied with because due to the disputes between the petitioner and the villagers, they disconnected the power supply to the rice huller of the petitioner. Though the matter was intimated to the police and discussions were held with the villagers, it was not possible to restore power supply from the said transformer, which was subsequently enhanced from 63 KVA to 100KVA. When it was not possible to give power supply from the upgraded S/s, steps were taken for installation of a new 100KVA transformer and that has been already done. The line was drawn after due discussion with villagers, power supply was restored on 27.10.09 and now the petitioner is availing power supply regularly to his rice huller. The question of any compensation does not arise. Under these circumstances as there was no deliberate delay on the part of the licensee.
6. After hearing the petitioner and taking into consideration of written reply of the respondents, we observe that as the orders passed by the Ombudsman-I has been complied with and there is no intentional delay by the licensee, there is no need to proceed further in this matter. We expect the officials of the licensee to be more pro-active in the matters of redressing genuine grievances of the consumers.
7. Accordingly, the case is disposed of.

Sd-
(B. K. Misra)
Member

Sd-
(K.C. Badu)
Member

Sd-
(B. K. Das)
Chairperson