

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

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

Case No.29/2009

Gokulananda Bej,	Petitioner
Vrs.		
EE, SDO, JE, NESCO	Respondents

In the matter of: **An application U/s 142, 146 AND 147 of the Electricity Act, 2003.**

Date of Hearing : 08.06.2009

Date of Order : 13.07.2009

ORDER

Mr. P.K. Mishra, Advocate for the petitioner, Mr. Manas Ranjan Mohanty, Executive Engineer, Basta Electrical Division, Basta and Mr. Mahadev Mandal, D.MF-C, BED, Basta on behalf of the respondents were present. The chronological date of events submitted by the respondents and the Vakalatnama filed by the Advocate for the petitioner were taken into record.

2. The case came before us today for hearing. Heard the parties at length.

3. The background of the case is that the petitioner has installed a rice mill and has taken the power supply from NESCO. The contract demand is 7.50 KW. The petitioner claimed that the respondent- NESCO had raised excess bill during the transformer burning period i.e. 15.04.2004 to 17.02.2005 and the same bill was served to the petitioner for early payment along with disconnection notice. The power supply was disconnected on 02.10.2008 as the petitioner had not paid the bill amount. The petitioner had filed a complaint before the respondent to revise the erroneous bill. But the respondents had not taken any action, therefore the petitioner had filed a writ petition before the Hon'ble High Court in WP(C) No.5168 of 2008 against the erroneous bill of the licensee-NESCO. The Hon'ble High Court disposed of the said Writ Petition by giving liberty to the petitioner to go to the GRF with the direction that no coercive action should be taken

against the petitioner till a decision was taken by the GRF, Balasore. The said GRF, Balasore in CC No.274/08 had disposed of the said complaint on 26.12.2008 by directing the Respondents (i) take steps for timely service of the impugned bills withdrawing the claim for the transformer burning period from 15.04.2004 to 17.02.2005 on the complainant and (ii) to revise the erroneous bills after replacement of the burnt transformer (i.e. from 18.03.2005 onwards) on the basis of actual meter reading for three consecutive billing periods with the restoration of power supply.

4. During hearing on 30.05.2009 the petitioner submitted that the power supply was disconnected after the order dated 08.04.2008 of the Hon'ble High Court in which there was direction to the respondents not to take any coercive action against the petitioner till final disposal of the complaint case by the GRF, Balasore. But the respondents disobeyed the direction of the Hon'ble Court and also not implemented the order of the GRF, Balasore for which he came here for proper implementation of the said order of the GRF, Balasore and also for compensation as he has been suffering huge loss by not running his rice mill.
5. Mr. Mandal, DM (Fin.), NESCO submitted during hearing that they were not aware of the aforesaid orders of the Hon'ble Court dated 08.04.2008 at the time of disconnection of power supply i.e. on 02.10.2008, as the same was not received by them, nor a cop of the High Court order was given to them by the petitioner. They had revised the bill deducting the transformer burning period, and the revised amount is Rs.94,788,35/- as penalty. He also stated that there was no electricity bill pending against the petitioner except the above penalty bills, which would be paid by the petitioner prior to restoration of power supply.
6. He further stated that as per direction of the Commission dated 30.05.2009, a conciliation meeting was held on 02.06.2009 for reconciliation regarding revision of electricity bills but the same had failed. The erroneous bills of 9 months from March, 2005 to June, 2005 and September, 2005 to January, 2006 has been revised upward as per order of the GRF to the extent of Rs.8662.50 to which the petitioner did not agree and refused to pay any amount. He also stated that as per the order of the GRF, Balasore, the average consumption of consecutive three months metering bills was taken after installation of meter in February, 2006 and it was found to be 471 units (i.e. from March, 2006 to May, 2006). The petitioner should pay Rs.8662.50 for consumption of the said units of energy and also for restoration of power supply to his rice mill after deduction of the excess amount paid by the petitioner.
7. Mr. Mandal also stated that on 02.06.2009 in the conciliation meeting the petitioner claimed that the bill for the month of March, 2004 was wrongly

claimed for 5341 units instead of actual 371 units. After scrutiny the bill has been revised and the petitioner will allow withdrawal to the extent of Rs.16374.60 pending approval from higher authority of NESCO. That the net bill claimed as per the revision made by NESCO comes to Rs.87,664.10 which was not agreed by the petitioner with revision for payment. Hence, NESCO prayed the present petition of the petitioner has no merit and liable to be dismissed and the Commission may direct the petitioner to clear all outstanding dues to restore the power supply.

8. After hearing the parties and perusal of the case records, it is found that the licensee has complied the order of the GRF, Balasore. The dispute regarding penal amount, can not be resolved as it is not the proper forum for adjudication. So, the proceeding u/s 142 of the Electricity Act, 2003 be dropped. We further direct that the petitioner should pay the penal amount in three installments after deduction of the excess paid amount of energy i.e Rs.8,662.50 and the Respondent should restore the power supply to the rice mill of the petitioner immediately after the 1st installment of penal amount (96,326.60-8,662.50) is paid.
9. Accordingly, the case is disposed of.

Sd/-
(B.K. Misra)
Member

Sd/-
(K.C. Badu)
Member