

**ORISSA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**UNIT – VIII, BHUBANESWAR – 751012**

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**Present : Shri K C Badu, Member**  
**Shri B K Mishra, Member**

**Case No. 30/2009**

Shri Arjun Charan Mahal	... Petitioner
- Vrs -	
CEO, SE, E.E., SDO, NESCO	... Respondents

For the petitioner : Mr. Arjun Charan Mahal

For the respondents : Mr. B.K. Swain, SDO, (Elect.), JRED, Mr. S.P. Mallick,  
S.E (Elect), Jajpur Road and Mr. B. K. Nayak, Advocate,  
NESCO.

**Date of Hearing: 08.06.2009**

**Date of Order: 13.07.2009**

**ORDER**

The background of the case is that prior to construction of the house of the petitioner at Chorda, Digisahi, Jajpur Road during 1995-96 there was a three phase 11 KV HT electric line passing 80-90 ft. away from the house in a straight line over the agriculture land of Chorda, Digisahi. In the year 2006, one departmental contractor namely Bhagaban Biswal of NESCO had purchased the land at Chorda, Digisahi over which the said 11 KV line was passing at the middle position of the Plot. The petitioner complains that the NESCO authorities diverted the then existing 11 KV line as per the wish of the aforesaid departmental contractor unlawfully and illegally violating all the rules and regulations over a narrow and curved colony road of Digisahi in such a round about way just like 'U' shape of the English alphabet which is passing very closely to the wall of the house of the petitioner causing threat to the life of his family members and also obstructing the repairing and painting of the house. The petitioner further stated that there is also a LT 3 phase line passing over the opposite side of the road of the petitioner's house whereas the NESCO authorities instead of laying the 11 KV line in the same route of the LT line, with reasons best known to them deliberately diverted the HT (11 KV) line to the side of his house. During the period of such diversion, he was away from his native village.

2. The petitioner also stated that NESCO authorities have not followed the safety rules as laid down in the Indian Electricity Law. He has also complained for revision of his erroneous electrical bill for the period of April-May, 2007 to

March, 2008 As the officers of NESCO have not considered the case of the petitioner, he had moved to GRF, Jajpur Road and also to the Ombudsman-II, Bhubaneswar to sort out of his problem. The Ombudsman-II has passed order for shifting of the re-routed 11 KV line. But even after expiry of the dead line i.e. 31.12.2008 given by the Ombudsman the NESCO authority have not carried out the order of the forums.

3. Aggrieved by inaction of the NESCO authorities, the petitioner moved to the Commission for implementation of the order of the GRF/Ombudsman-II and also penalize to NESCO for non-implementation of the above orders under Section 142 of the Electricity Act, 2003.
4. The Commission on 27.04.2009 heard the parties. During hearing the licensee replied that the erroneous bill has since been duly revised. The existing 11 KV line was re-routed, following the departmental procedure on the basis of application of M/s Tata Tele Services Ltd. (and not by Mr. Biswal) departmental contractor). In case the applicant wants to shift the re-routed 11 KV line, he has to apply on payment of estimated cost. Licensee has stated that they have complied fully with the orders of the GRF and Ombudsman. The Commission in its interim order dt.27.04.2009 had directed the licensee to produce the evidence that orders of the GRF and Ombudsman-II have been duly complied and the petitioner was also directed to apply for shifting of the re-routed 11 KV line as per prescribed procedure.
5. The matter came up before us today for hearing. During hearing Mr. Nayak, Advocate for Respondents stated that the licensee has complied the order dtd. 18.04.2008 passed in C.C. No. 89/08 of the GRF and the order dtd. 11.11.08 passed in CR. Case No. OM-II(N)-12/08 of the Ombudsman-II regarding revision of bills. He further, stated that the petitioner has not applied for shifting of the re-routed 11 kv line as per the prescribed procedure.
6. Mr. Mahal, the petitioner submitted that although the bills are revised by the licensee, he is not liable to apply for shifting of the re-routed 11kv line as he is not responsible for the present alignment of the said line. He further argued that far extending 3 phase LT connection to M/s Tata Tele Services Ltd., the re-routing of 11 KV HT line with such roundabout way is not justified. He has submitted the sketches of the area showing the plots of Mr. Biswal, departmental contractor, the premises of M/s Tata Tele Services Ltd., and his house with marking the layout of the original 11 KV line and the re-routed 11 KV line passing very close to his house. He specifically stated that the re-routing of 11 KV line was done by the NESCO field officers with sole aim to give favour to Mr. Bhagawan Biswal, the departmental contractor and to harass him.
7. After hearing both the parties and perusal of the case records, we found there is no sufficient reason to proceed further in the matter u/s 142 of the Electricity Act, 2003. We direct that the present proceeding u/s 142 against NESCO be dropped. The petitioner is further directed to clear the electricity dues as per the revised bills furnished by NESCO on or before 31.07.2009.

8. The CEO, NESCO is, however, directed to enquire the matter about routing of the 11 KV line as to whether the shifting was done at the economic cost and whether safety norms were observed. The correctness and justification of the estimate, deposit of the money by M/s Tata Tele Services Ltd. the accounting thereof and the certification of electrical inspector before charging of the re-routed 11 KV line, if any, be enquired into. CEO should also take expeditious action for shifting of the re-routed lines, if necessary, observing the prescribed procedure for the purpose. The report of compliance be submitted to the Commission on or before 20.08.2009.

Accordingly the matter is disposed of.

Sd/-  
**(B.K. Misra)**  
**Member**

Sd/-  
**(K.C.Badu)**  
**Member**