

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

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

**Case No83/2009**

Shri Nilakantha Beura ..... Petitioner  
Vrs.  
The Executive Engineer- cum- G.M(Elect),CESU ..... Respondent

**In the matter of: Under S.142 of the Electricity Act, 2003.**

**Date of Hearing: 17.07. 2009**

**Date of Order: 21.07.2009**

**ORDER**

Mr. F.R. Mohapatra, Advocate for petitioner, Mr. P.K. Mohapatra, Advocate for CESU are present. The Counter reply filed by the respondent is taken into record.

2. Mr. Falguni Mohapatra, Advocate for the petitioner stated that the petitioner-Sri Nilakantha Beura was serving as the Sub- Post Master, Banki from 31.10.2000 to 01.10.2002 till his superannuation from service. During the period of his service at Banki, the petitioner was allotted the quarter ear-marked for the Sub-Post Master, Banki but was not occupied by him. Accordingly he intimated the same to the Superintendent of Post Offices, Cuttack vide Letter dated 24.02.2001 with a request to cancel the allotment of the said Quarter. He also stated that the electricity connection was disconnected on 31.10.2000 as per the request of the then occupier Shri Jayram Sethi, Sub-Post Master, Banki with meter condition as “stopped/defective”.
3. Mr. Mohapatra, also stated that the SDO (Elect), Banki raised a bill of Rs.6327.75/- towards energy consumption in respect of the said quarter for the relevant period i.e., 31.10.2000 to 01.10.2002 and served the said bill upon the Superintendent of Post Offices, Cuttack for payment. The connection was in the name of the Superintendent of Post Offices as the consumer and not in the name of the individual occupying the quarter. The above contention was also confirmed by the respondent. As is their usual practice, the Post Master paid the bill to CESU and deducted the said amount from the salary of the Sub-Post Master-the petitioner. The bill amount was paid to the respondent vide Money Receipt No. 288605 and the

same was intimated to the petitioner vide letter dtd. 10.11.2005. The receipt of payment has been acknowledged and admitted by the respondent.

4. Mr. Mohapatra further stated that the petitioner being aggrieved by the illegal deduction of the said amount from his salary as electricity dues, approached the respondent and his officers for refund of the said amount as he had neither occupied the said quarter nor availed any power supply. But the respondent and his staff paid no heed to his approach. Thereafter, the petitioner finding no other alternative filed a complaint before the GRF, BCDD-II, Khurda. The same was registered as CC Case No. 77/2007 (KED, Khurda). The said case was disposed-of by the learned GRF, Khurda by Order dtd. 22.01.2008, directing the said respondent (i.e., E.E.(Elect), KED, Khurda) being the Drawing and Disbursing Officer(DDO) in respect of Banki Electrical Sub-Division, to refund Rs.6327.75/- to the petitioner within 30 days of the Order. The respondent did not refund the aforesaid amount despite various approaches made by the petitioner. Lastly, the petitioner issued a registered letter with AD to the respondent through his Advocate on 19.03.2009 for compliance of the above order of the GRF. Due to the willful violation of the said order, the petitioner approached this Commission to punish the respondent and direct the respondent to compensate the petitioner for his financial loss and mental agony.
5. Mr. P.K. Mohapatra, Advocate for the respondent stated that it is the usual practice that all the postal staff quarters including the quarter allegedly occupied by the Petitioner were under the administrative control of the Post Master, Banki, for which the Post Master of Banki is the consumer. As such the respondent issued bills in respect of postal staff quarters in the name of Post Master, Banki who used to pay all the energy bills in respect of the postal staff quarters. It is pertinent to mention here that an amount of Rs. 10659.00/- was paid by Sri Uchhab Nanda, Post Master, Banki on 25.02.2005 and not by the petitioner. Any refund of excess payment received from the consumer, therefore, required to be adjusted from the future bill of the consumer or required to be returned to the consumer only. The petitioner not being the consumer of the DISCOM, the DISCOM refund of the amount to the Petitioner is technically not feasible. The petitioner is also aware of these difficulties of the respondent.
6. He further stated that the learned GRF has passed the order on 22.01.2008 directing the respondent to refund the sum of Rs.6327.75/- to the petitioner, which was admitted by the said respondent during hearing before the GRF. The respondent have to refund the said amount to the petitioner and not to any other person as per the GRF order. Due to such difficulties, the respondent was not able to comply with the aforesaid Order of the GRF. So he prayed to the Commission to modify the Order dtd. 22.01.2008 passed in CC Case No. 77/07 and directs the respondent to refund the said amount to the Post Master, Banki which he would enable him to make the refund accordingly. The Commission may kindly drop all further proceedings u/s 142 of the Electricity Act, 2003 against him.
7. After hearing the parties and a perusal of the case records, we admit the petition. This is a petition u/s 142 of the Electricity Act, 2003 for contravention of Regulation 11 of the OERC (Grievance Redressal Forum and Ombudsman)

Regulation, 2004. The order of the GRF is in favour of the complainant and the licensee is bound to implement the decision of the Forum, instead of raising technical and procedural objections after the decision of the GRF. He had ample opportunity to raise the same during consideration of the complaint by the Forum. At this stage he is required to implement the decision of the Forum. This can be done by refunding the claim of Rs.6327.75 to the concerned Post Master, Banki who in turn will refund the amount to the Petitioner. This must be done by 25.07.2009 and report compliance by 31.07.2009 to the Commission. Upon such compliance, the Respondent shall stand discharged from all further proceedings u/s 142 of the EA, 2003.

8. Accordingly, the case is disposed of.

Sd/-  
**(B.K. MISRA)**  
**MEMBER**

Sd/-  
**(K.C. BADU)**  
**MEMBER**

Sd/-  
**(B.K. DAS)**  
**CHAIRPERSON**