

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

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

Case Nos.120 /2010

Shri Rohini Kanta Pattnaik Petitioner
Vrs.
CEO, CESU Respondents

In the matter of: Application under Sec. 142 of the Electricity Act, 2003.

For the petitioner : Shri Rohini Kanta Pattnaik

For the respondents : Shri S. K. Harichandan, Manager (Law), CESU

Date of Hearing: 31.08. 2010

Date of Order : 04.09.2010

ORDER

Shri Rohini Kanta Pattnaik stated that he has filed the above petition before the Commission as CESU has not responded to his legal notice dated 02.10.2009 for supply of data regarding the use of Single Phase Static electric meter of M/s. Elymer Make, the vendor certified by CESU over years in violation of CEA Regulations, 2006. This petition is filed in larger public interest as the licensee-CESU has not looked into bonafide grievances of the consumers of its area of supply. The licensee-CESU has received the said notice on 05.10.2009 and till date has not take action on it. He also stated that being aggrieved by the inaction of CESU, the petitioner has filed the said petition for punishment of the licensee u/S. 142 of the Electricity Act, 2003, as CESU has acted in an arbitrary manner enlisting the Elymer brand meter as vendor certified in violation & contravention of the above Regulations, governing installation & operation of Single Phase Static meters for LT supply.

2. Shri S.K. Harichandan, Manger (Law), CESU stated that the CEA Regulations, 2006 was published in the Gazette on 17.03.2006 and CESU has enlisted M/s.

Elymer Meter brand as vendor for 1 Phase Static meter vide letter No. 23249 dated 21.06.2008 & letter No. 30192 dtd. 22.08.2008 of the CGM (A&C), where the detailed features/specification have been specified conforming to CEA Regulations, 2006 & OERC (Conditions of Supply) Code, 2004. He also stated that prior to enlisting the firm as a vendor, the Type Test report No. ERTL(E)/TES/E246/0023/06-07 dtd. 20.07.2007 of ERTL (EAST), Test Report No. 06021639/205/T-188 dated 24.02.2006 of NPL, New Delhi, Test Report No. 1091 dated 22.12.2007 of MRT Laboratory, Bhubaneswar, Test Report No. IDEMTL 0708T 0327 dated 17.12.2007 of CPRI, Bangalore and BIS Certificate have all been verified and the same were found to be in accordance with guidelines issued by CEA, Regulations, 2006 and the technical specification issued by CESU. The said meter complies with the relevant standards prescribed by the Bureau of Indian Standards (BIS) having licensee No. FDO/L-9217070.

M/s. Elymer meter has been granted with BIS Certification marks license for Single Phase meter of various rating such as 5-30A, 10-40A & 10-60A as per the Clause-4 of CEA Regulation, 2006. CESU has not violated any of the provisions of Regulation, 2006 at any point of time while selecting a Manufacturer as vendor to sell their meter in the open market in its area of supply. He further stated that the petitioner has sought information regarding the above before the State Information Commission, Orissa and the directions of the said Commission is currently subjudice before the Hon'ble High Court as a Writ has been filed by the licensee-CESU against the said order of the Information Commission . So he prayed that the Commission not to admit the petition as there is no contravention of Regulation by the licensee-CESU.

3. During the course of hearing, it has come to the notice of the Commission that CESU has returned some inferior quality meters of M/s. Elymer Make. The firm has replaced those free of cost. The Commission said that the exact fact should be explained to the petitioner. The Commission appreciate the concern of the consumers and feels that only exchange of some intimations are required to address the concern of the consumer.

4. The Commission, therefore, does not admit the petition at this stage. The Commission considers it necessary that CESU should furnish the test reports of CPRI or any other report of tests carried out in any accredited Meter Testing Laboratory as regards to testing of quality of M/s. Elymer make single-phase meters in conformity with CEA (Installation and Operation of Meters) Regulations, 2006 through an affidavit with the Commission. These reports may then be made available to the petitioner for their verification.
5. Accordingly, the case is dismissed.

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

**Sd/-
(B. K. Das)
Chairperson**