
Shri S. P. Nanda, Chairperson
Shri S. P. Swain, Member

Case No.46/2010

Shri Sarat Chandra Padhi	Petitioner
Vrs.		
E.E., Aska & another.	Respondents

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-compliance of the order of the GRF, Berhampur dated 27.12.2006 passed in C.C.Case No. 25/2005.**

For Petitioner: Shri Susanta Kumar Panda, Advocate

For Respondents: Shri M. K. Mahapatra, Advocate on behalf of SOUTHCO Utility,
Shri G. V. S. Rajendra, AMF, AED, Aska, SOUTHCO Utility

Order

Date of hearing: 25.08.2015

Date of order:26.09.2015

Brief fact of the case is that the petitioner is a consumer of SOUTHCO Utility and avail power supply to his rice huller unit situated at village Jarada under Aska Electrical Division. As the respondents issued arbitrary electric bills basing on the defective meter reading, the petitioner moved to the GRF, Berhampur in C.C.Case No. 25/2005 for replacement of defective meters and correction of erroneous bills issued by the respondents against his rice huller. The GRF, Berhampur had disposed of the said Consumer Complaint case with the following directions:-

“To test the meter immediately and install the same in the mill premises of the complainant within seven days of receipt of this order failure of which the party will compensate Rs. 100/- to the complainant as per Regulation. x x x x.”

2. During pendency of the said complaint case before the GRF, Berhampur, the power supply to the rice huller of the petitioner was disconnected as there was outstanding arrear of Rs.1,63, 333.94/- up to May, 2005 which had not been paid by the petitioner. Thereafter, the petitioner had filed a petition u/S. 142 of the Electricity Act, 2003 before this Commission for non-compliance of the above order of the GRF, Berhampur along with a prayer for compensation.
3. The Commission vide its interim order dated 25.05.2010 had directed the petitioner to make payment of Rs. 50, 000/- out of the arrear dues on or before 16.06.2010 and directed Respondent to restore the power supply thereafter by installing a 3-Phase digital meter in the

premises of the petitioner. Besides that, the petitioner would make payment of the current dues along with the part of the balance arrear dues in the shape of an instalment of Rs.3,000 per month till the final calculation is made by the respondent after taking 3 months consecutive reading with due correction for seasonal variation of load on the rice huller. The Commission further directed that it would hear the matter in detail on merit under Section 142 of the Electricity Act, 2003 after such compliance.

Thereafter, the Commission further heard the matter on 21.09.2010 and had given the following directions as an interim measures:-

“We have heard the parties and perused the case records. A new meter has been installed on 23.6.2010 and power supply was restored on the same day. The respondent requires three months time for the average meter reading for revision/correction of the erroneous bills as per Regulations, i.e. after the rice huller of the petitioner functions regularly. The Commission was informed that the business of Rice hauler runs on seasonal variation. The consumption pattern at the peak season (harvesting period) and off-peak season of Rice huller differ substantially. So taking the average reading of just 3 months after the reconnection and adjusting the arrear amount accumulated for number of years will not be equitable either to the petitioner or to the licensee. Accordingly, the Commission directs that the licensee may after obtaining the average readings for a period of three months, from the reconnection date, must make a provisional Bill for arrear adjustment and the petitioner should clear the arrear after adjustment of Rs.50,000/- paid as advance. The consumer shall continue to pay the current bill. The final arrear adjustment bill shall be prepared by the licensee on the basis of average monthly bill for a full year working of the Rice mill and submit compliance report serving copy to the petitioner.”

4. The respondent-SOUTHCO had submitted the compliance report on 20.10.2012 stating that the above order of the Commission has already been implemented by withdrawing an amount of Rs.53,212/- from the arrears with intimation to the petitioner on 20.10.2012. The said withdrawn amount effected in the bill as per order of the Commission taking full year working of the rice huller of the petitioner. After revision of the erroneous bill an amount of Rs. 76,678/- is due on the petitioner for payment as arrear by September, 2012.
5. The learned counsel appearing on behalf of the petitioner has submitted that as per direction of the Commission, the petitioner has deposited Rs.50, 000/- only out of the arrear dues on 16.06.2010 for restoration of power supply to his rice huller. Thereafter, the respondent has restored the power supply to the rice huller of the petitioner on 23.06.2010 after installation of a 3-phase digital meter. But till date respondent has not revised the arrear bills amounting to Rs.1,63,323.04/- after taking into account of the new meter reading for which the petitioner is unable to make payment of the balance arrear dues as per direction of the Commission. Therefore, the petitioner has filed the present application seeking direction to the respondents to revise the entire disputed erroneous bill by taking 3 months consecutive average reading of the 3-phase new digital meter reading for one year i.e. from 20.06.2010

to 21.07.2011 and serve the copy of the same to the petitioner for payment of the arrear dues, if any, after adjustment of Rs.50,000/- already paid towards arrear dues.

6. After hearing the parties and perusal of the case records, we observe that the respondents have not revised the arrear bill properly as per the direction of the Commission on the basis of average monthly bill for a full year working of the Rice mill vide interim order dated 21.09.2010 after installation of the 3-phase digital meter in the premises of the rice huller of the petitioner. Therefore, the respondents are further directed to comply the said order of the Commission in letter and spirit within one month from the date of this order and serve a copy of the said revised bill on the Petitioner to make payment of the arrear. The petitioner is also directed after receiving of the said revised bill shall make payment of the balance arrear dues, if any, along with the current bills within one month thereafter, failing which the power supply to the rice huller of the petitioner will be disconnected by following the due procedure of law.
7. With the above observation the case is disposed of.

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson