

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

\*\*\*\*\*

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

**Case No. 52/2010**

Shri Nimain Charan Rath ..... Petitioner  
Vrs.  
CEO., SOUTHCO & Ors. .... Respondents

**In the matter of:      Application u/s. 142 of the Electricity Act, 2003.**

For the Petitioner:      Shri J. N. Panda, authorized representative.

For the Respondents: Shri M. K. Mahapatra, Advocate & Shri Ashok Kumar Rout, SDO-III,  
SOUTHCO.

**Date of Hearing: 01.10.2010**

**Date of Order: 02.11.2010**

**ORDER**

The brief fact of the case is that the petitioner is a bonafide domestic consumer of the licensee-SOUTHCO bearing Consumer No. 3C-21/4. The power was supplied to the house of the petitioner in the month of May, 2004 after complete of all formalities. The first bill was issued on 4<sup>th</sup> Aug, 2004 for the month of June-July for Rs.591/- towards consumption of 288 units and the bill amount was deposited by the petitioner in due date. Thereafter the bills were issued by the authorities of the licensee on 20.11.2004 for the month of Aug-Sept.-Oct, 2004 was erroneous which was amounting to Rs. 12944.00 towards consumption of 4409 units. Having seen the above erroneous bill the petitioner complained to the SDO(Elect)-III, SOUTHCO but he had not taken any action on it. Again the subsequent bill for the month of Nov, 2004 was issued for a hefty sum of Rs.4565.00 towards alleged consumption of 1470 units.

On account of these type of frequent erroneous billing by the authorities of SOUTHCO, the petitioner was incapable of paying such huge amounts as he has not consumed the aforesaid billing units. These type of false billing in haphazard manner put him in unrest for which he approached the concerned authorities of SOUTHCO for correction of the above erroneous bills and also to check the status of the meter. But, instead of

checking the meter the licensee went on issuing similar type of erroneous bills for subsequent months basing on overage basis upto Sept., 2006. As the authorities of SOUTHCO did not take any keen interest for rectification of the erroneous bills, in spite of his best intention to pay the actual and reasonable amount, was not in a position to pay any amount towards his dues, while the matter stood as such the authorities of SOUTHCO all of a sudden disconnected the power supply to the premises of the petitioner on 12.10.2006 without any statutory notice as per law. At that time the petitioner was at Delhi for his personal work. After returned from Delhi on 16.10.2006, he found that the power supply to his house was disconnected, so he moved to the fuse call centre to lodge a complaint and also thereafter to the office of the SDO, (Elect)-III for restoration of power supply. As the SDO (Elect)-III was not available, he sent the said complaint by registered post for restoration of power supply and also for disposal of the previous complaint regarding correction of the erroneous bills. The licensee had restored the power supply to his house on 20.10.2006 without asking for reconnection charge and had replaced the defective meter by installing a new meter which was already showing an initial reading of 974 units at the time of installation. The same reading was also recorded by the authorities of the licensee in their register, where in the petitioner was signed.

2. After installation of the new meter on 20.10.2006, the bill for the month of Oct, 2006 was issued on 16.11.2006 which was again erroneous amounting to Rs.120237.00 for alleged consumption of 1070 units. As mentioned above even though the newly installed meter was already showing an initial reading of 974 units at the time of installation, the same reading 974 units had not been deducted from the total units advanced in the meter while prepared the erroneous bill. The above facts were brought to the notice of the authorities of the licensee by the petitioner but they did nothing and again disconnected the power supply on 13.12.2009 to his house. After repeated requests and even had warned to the authorities to move the appropriate Forum against them, they had restored the power supply on 04.03.2009. The petitioner being a dignified person in the locality has lost his reputation due to willful mischief played by the authorities of the licensee by such frequent disconnection of power supply to his house which was unreasonable portrayed him to be as if without defaulter.
3. Being aggrieved by the inaction of the authorities of SOUTHCO the petitioner had filed a Consumer Complaint Case bearing GRF Case No. 143/09 before the GRF, Berhampur for redressal of his grievances. The said GRF case was disposed of on 19.03.2010 by the aforesaid GRF, Berhampur with the following observations:-

*“The licensee is directed to revise the bill of the above complainant for the period from 04/2004 to 08/2009 as per the average consumption of the meter and serve the same to the above complainant at within 7 days of receipt of this order and reflect in the monthly bill in hand, otherwise the Opp. Parties have to pay compensation as per Schedule-III Guaranteed Standard of Performance of the Regulation, 2004.*

*The complainant is directed to make payment of the revised bill amount, after receipt of the same from the Opp. Party, otherwise the Opp. Party is at liberty to disconnect the power supply.*

*x x x x x x x x x*

*if the order of the GRF is not implemented in time by the Opp. Parties, then the complainant is at liberty to file a petition under S.142 of the Electricity Act, 2003 within 30 days from the date of order of the GRF before the OERC for execution of the said order”.*

4. As the above order of the GRF, Berhampur was not implemented by the licensee, the petitioner filed this Case u/S. 142 of the Electricity Act, 2003 for implementation of the order of the said GRF alongwith for compensation and correction of the erroneous bills served by them. The said petition was registered as Case No. 52/2010 by the Commission and notice was issued to the parties on question of admission and hearing fixing the date on 21.06.2010. During hearing on 21.06.2010, the petitioner was absent and the Commission admitting the case has direct as follows:-

*“x x x x x x x x x It transpires from the written reply submitted by SDO-III, SOUTHCO on behalf of the respondent the petitioner was also approached the Ombudsman-II and the case has been registered bearing No.6/10. The petitioner is also not receiving the revised bill even after being sent through registered post on 17.05.2010 and again on 09.6.2010. The registered letter containing the revised bill has been returned by the Postal Dept. that the addressee is left, hence the said letter is retuned to the sender. It is also submitted that the petitioner is continuing to enjoy electricity without paying the electricity charges. Hence without any prejudice to the out come of the next hearing by the Commission the consumer is directed to pay the revised bill amount along with the monthly current dues failing which the licensee is at liberty to disconnect power supply to the petitioner’s premises as per Regulation 100 of the OERC (Conditions of Supply) Code, 2004. We further direct that*

*Ombudsman shall not take up hearing in the case No.6/2010 until further order from the Commission. A copy of this order be served on Ombudsman-II along with all concerned.*

After the above order of the Commission, the petitioner has cleared his dues of Rs.12800/- at Berhampur on 03.07.2010 just within 2 days from receiving the corrected bill from the respondent at Bhubaneswar by Regd. Post regarding C.R. Case No. 6/2010 pending before the Ombudsman-II, Bhubaneswar, the petitioner stated that had filed the above C.R. Case before the Ombudsman-II as he was not satisfied with the total silence of the GRF on his main allegation before it on the repeated illegal disconnection of power supply to his premises as advised in the order of the GRF, Berhampur. He also prayed for recall /vacation of the interim order dtd. 21.06.2010 as the C.R. Case No. 6/2010 pending before the Ombudsman-II was stayed due to above interim order of the Commission.

5. Shri Mahapatra learned Counsel for the respondents stated that according to the order of the GRF the erroneous bill was revised after observing all the procedures, which to be adopted for revision of the bill and the revised bill was served in due regular process, the said bill was served to the petitioner, through Regd. Post with AD on 17.05.2010 and also on 09.06.2010, but returned with an endorsement of the Postal Dept. that the addressee is left this place and the same letter was returned. In view of the above reasons there was no negligence made by the respondents, as far as the present proceeding before the Commission is concerned. The petitioner has not voluntarily approached the respondents to receive the revised bill for the purpose of making payment. The petitioner was enjoying the electricity without paying the electricity dues which should have been paid atleast under protest prior to raising any dispute about the correctness of the bill according to Regulation 91, which is mandatory in nature. The respondents had not made any such illegal disconnection as has been alleged by the petitioner.
6. The learned counsel for the respondents also stated that the petitioner has filed an appeal bearing C.R. Case No. 6/2010 before the Ombudsman-II, Bhubaneswar against the order of the GRF, in which the respondents appeared and filed their counter and the same is pending till today. One legal question arises that in one hand the petitioner has challenged the order of the GRF before the Ombudsman-II and on the other hand he has filed the present case before the Commission for implementation & compensation for non-implementation of the order of the said GRF. In view of the pendency of the CR Case No. 6/2010 before the Ombudsman-II, Bhubaneswar, which is the same cause of action and moreover the revised bill was already submitted before the said Ombudsman-

II and also served on the petitioner as per direction of the Commission. Accordingly, the petitioner had also made payment of the revised bill, there is no need to proceed further in this matter. He also prayed the Commission to drop the proceeding u/S. 142 of the Electricity Act, 2003 so also direct the Ombudsman-II to do the same as the order of the GRF, Berhampur was complied by the respondents

7. The Commission has noted with serious concern that SOUTHCO has revised the erroneous bill of the petitioner from 04/2004 to 08/2009 and issued the same on 17.05.2010 although GRF, Berhampur has passed an order dtd. 26.02.2010 for revision of the said bill within 7 days of receipt of the order. In the meantime, the petitioner has approached both Ombudsman-II and OERC as regard to non-implementation of the orders of GRF, Berhampur within specified time and illegal disconnection. The Commission feels that arbitrary disconnection and reconnection and non-reflection of revised bills in the regular monthly bills even after the revision is also a serious lapse by the licensee.
8. After hearing the parties and perusal of the case records, we are of considered view that as the licensee has revised the bill as per the laid down procedures and to the satisfaction of the petitioner and the petitioner has paid the amount in full, there is no need to proceed further in this matter at this stage. However, we direct SOUTHCO to advise its field functionaries to discharge their duties & functions as per the statutory provisions and if this type of problem is found in future, action as deemed fit shall be initiated against the licensee as well as against individual errant officials.
9. Accordingly, the case is disposed of.

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

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

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