

**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. 53/2010

Shri Debendranath Sahoo Petitioner
Vrs.
J.E., Tangi, CESU & Ors. Respondents

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

For the Petitioner: Shri Debendranath Sahoo

For the Respondents: Shri J. K. Khuntia, Advocate, for J.E., Tangi, CESU.

Date of Hearing: 21.09.2010

Date of Order: 02.11.2010

ORDER

The brief fact of the case is that M/s Sun Foods Pvt. Ltd. situated at Saranga, Cuttack is a Small Industry (SI) consumer of the licensee-CESU as S.I. category from a connected load of 14KW-3phase of Tangi Electrical Section under Choudwar Electrical Sub-Division. It requires at least 390 volt to 410 volt to run the unit. The supplied voltage at the consumer premises remain within 280 to 330 volt for which the industrial unit was unable to run its motor properly. Due to low voltage the 15 H.P motor of the petitioner's unit was burnt and the proprietor of the unit was sustaining loss of Rs.1500/- each day. As the CESU authorities had not responded to the complain of the petitioner, the petitioner had filed a Consumer Complaint Case No. CED/66/2009 before the GRF, Cuttack and the same was disposed of on 30.07.2009 with the following directions:-

“Opp. Party shall take immediate steps to provide power supply to the consumer with adequate voltage as per Guaranteed Standard of Performance as provided in Schedule-III of Regulation 5 of OERC (Licensee's Standards of Performance) Regulations, 2004 within 3 months of receipt of the order, failing which the Opp. Party is liable to pay compensation to the complainant x x x x x x”.

2. The petitioner stated that as the order of the aforesaid GRF was not carried out by the authority of CESU within 3 months as specified, he moved to the Ombudsman-I, Bhubaneswar for implementation of the above GRF order. The representation of the petitioner was registered as CR Case No. OM(I)-59/2009 and was disposed of on 08.02.2010 by the Ombudsman-I with the following observations:-

“ x x x x x by allowing time upto 08.03.2010 for full implementation of the orders of the GRF by the respondents and to submit the compliance report by 15.03.2010 positively, if the order would not be implemented within 08.03.2010, the petitioner would be at liberty to move the appropriate authority for compensation u/S. 142 of the Electricity Act, 2003. x x x x x”.
3. As both the orders of the GRF, Cuttack and also the order passed by the Ombudsman-I have not been implemented by the authorities of the licensee-CESU, the petitioner has filed this petition before the Commission u/S. 142 of the Electricity Act, 2003 for implementation of the above orders and also for compensation as per Regulation 2.1(ii) of Schedule-I of OERC (Licensee’s Standards of Performance) Regulations, 2004.
4. In response to the notice issued by the Commission the respondents have filed counter through their legal counsel Shri J. K. Khuntia, stating that the main reason of low voltage problem at consumer premises was an examined and the existing GI wire conductor of 11KV Bhatimunda feeder was replaced by AAAC conductor. The LT voltage of 250 KVA S/s secondary end, from which the consumer is fed power supply was checked and found to be satisfactory after the replacement work of the conductor.
5. During hearing on 21.06.2010 Shri Khuntia, learned counsel for the respondents also stated that the supply Engineer on 17.06.2010 had also verified the input voltage at consumer’s premises in presence of the petitioner and accordingly physical verification report was prepared, wherein it is noted that the voltage was found adequate, and within allowable limit; thereby the petitioner put his signature on the said report on being satisfied. He also prayed the Commission in view of the above facts and circumstances, the aforesaid Case u/S. 142 of the Electricity Act, 2003 may be dropped as the respondents have complied both of the order of the GRF as well as order of the Ombudsman-I. The examination of low voltage problem in the subject area and replacement of the existing 11KV GI feeder with AAAC conductor took some time, and there is no cause of intentional delay on the part of the petitioner.

6. The petitioner admitted during hearing that the voltage has improved but apprehended that in future it may deteriorate. The Commission in its earlier order dated 21.06.2010 has directed the respondent (CESU) to submit the compliance report regarding implementation of the orders of the GRF and Ombudsman-I. The petitioner has also directed to pay the arrear electricity dues, if any, along with the current dues.
7. In compliance to the above direction of the Commission the petitioner has cleared the current dues and the respondents have taken adequate steps for improvement of the voltage to the unit of the petitioner. Accordingly, the petitioner has filed his written submission on 21.09.10 regarding compliance of the above direction of the Commission by the licensee-CESU. He also prayed the Commission to direct respondents to take adequate steps so that the petitioner does not face this type of problem in future with his unit.
8. After hearing the parties and perusal of the case records, we opine that as the licensee has complied both the orders of the GRF, Cuttack and the Ombudsman-I, Bhubaneswar during the pendency of this case before the OERC, there is no need to proceed further in this matter, at present.
9. However, before parting with this order we note with serious concern and anguish that the employees of the licensee do not bother to take action in time for removal of the grievances of the consumer even if after lapse of more than 6 months and in some cases more than one year after order of the concerned GRF and Ombudsman. This is highly undesirable and definitely calls for punitive action against the erring and callous employees of the licensee in addition to penal action against the licensee. The Commission hopes and expects that the employees of the licensee must realize their responsibility and take prompt action in future in addressing the grievances of the consumers, otherwise the Commission will be forced to levy heavy penalty against the erring officials as well as the licensee.
10. We further direct that a copy of this order be forwarded to all the three Reliance Managed Distribution Companies (WESCO, NESCO & SOUTHCO) to note and comply with the observations and directions given in para-9 of this order.
11. With these observations and directions the case is accordingly disposed off.

Sd/-
(B.K. Misra)
Member

Sd/-
(K. C. Badu)
Member

Sd/-
(B.K. Das)
Chairperson