

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

Present: Shri S.P.Nanda, Chairperson
Shri K.C. Badu, Member
Shri B.K. Misra, Member

Case No. 108 of 2011

M/s Maa Bhagabati Roller & Floor Mill	Petitioner
Vrs.		
E.E. (Elect.), BED, CESU & another	Respondents

In the matter of: An Application under S. 142 of the Electricity Act, 2003 for non-compliance of order dated 14.03.2008 of the GRF, Bhubaneswar passed in Case No. 412 of 2008 (BED).

For the Petitioner: Shri Falguni Rajguru Mohapatra, Advocate

For the Respondent: Saroj Ku. Mohanty, Advocate

ORDER

Hearing date: 07.01.2012

Order date: 12 .01.2012

Sri F.R. Mohapatra, learned counsel appearing on behalf of the petitioner submitted that, originally, the petitioner had a contract demand of 230 KW. He made an application under Regulation 68 of the OERC Distribution (Condition of Supply) Code, 2004 (Code) for reduction of contract demand from 230 KW (Large industrial category) to 10 KW (General Purpose Category). Though it is mandated under the code, that, the application for reduction of contract demand is to be disposed of within 3 months of the date of application, the respondent without doing so, asked the petitioner on 15.02.2008 to remove the existing 315 KVA transformer and replace it by a 25 KVA transformer as because after reducing of load to 10 KW, the 315 KVA transformer will be highly under loaded thus causing higher technical loss.

2. Challenging the inaction of the respondent, in allowing reduction as stipulated in the Code, he filed a dispute before the GRF, Bhubaneswar in C.C.No. 412 of 2008. The GRF by order dated 14.03.2008 disposed of the case with the following direction.

- “ i. *The petitioner shall replace the existing 315 KVA Transformer with a 25 KVA Transformer, provide the required LT cable and meter with associated equipments duly tested, on or before 31.03.2008, as per our findings vide issue No. 3.*
- ii). *Adjustment of arrear energy charges, service connection charges, security deposit for 10 KW GPS load against the security deposit of Rs 4,01,920/- and refund of residual security amount shall be carried out by the Respondent as per our findings vide issue No. 3.*
- iii). *The respondent shall ensure issue of permission for 10 KW GPS load and execution of agreement etc on or before 07.04.2008 as per our findings issue nO. 3.*
- iv). *The power supply for 10 KW GPS load shall be extended on or before 15.04.2008, after observing the departmental formalities.*
- v). *The earlier agreement shall be cancelled retrospectively on dated 31.12.2007 and new agreement for 10 KW GPS load shall come in to force with effect from 01.01.2008, as per our findings vide Issue No. 3.”*

The C.C.Case No. 412/2008 (BED) is thus disposed of.

3. As the respondent did not refund the security deposit amount, on 30.08.2011 petitioner wrote of a letter to the respondent, and then the respondent asked the petitioner on 14.10.2011 to submit the original Security Deposit Money Receipt and to submit the authorization for receipt of the S.D. The petitioner on 24.11.2011 sent a reply stating therein that the original money receipt had been lost and security deposit be refunded by taking an undertaking. Inspite of

that the respondent did not refund the Security Deposit and thereby violated the direction of the GRF, Bhubaneswar passed in C.C.No.412 of 2008(BED). Therefore, the present application has been filed u/S 142 of the Electricity Act, 2003 for non-implementation of the order of the GRF, Bhubaneswar.

4. Sri Saroj Kumar Mohanty, learned counsel appearing on behalf of the respondent submitted that a counter has already been filed in the case, which may be taken on record. He also submitted that the contention of the petitioner is not correct. He had initially made an application in the year, 2006 for reduction of contract demand from 230 KW to 190 KW. While the said application was under consideration, on 30.04.2007, the petitioner had again filed another application for reduction of the contract demand from 230 KW to 40 KW. On 15.02.2008, the respondent asked the petitioner to close the supply of 230 KW by dismantling the existing his own installed Sub-station of 315 KVA and make a separate application for 10 KW and to install a 25 KVA substation. It was also stipulated in the said letter that the S.D. paid would be adjusted against the final bill of consumer No. 251 LI and the balance to be refunded.
5. Shri Mohanty further submitted that, in compliance to the direction of the order dated 14.03.2008 of the GRF, Bhubaneswar passed in C.C.No.412 of 2008, power supply was extended on 03.02.2009 for 10 KW load with a new consumer bearing No. 728 MC-4. By letter dated 17.08.2011, the respondent intimated the petitioner about the upto date billing statement upto 7/2011, and informing that, the petitioner would be refunded of Rs 1,67,101/- after adjustment of all the dues. Therefore, the petitioner has not made any violation of the said order of the GRF, Bhubaneswar.
- 6 Shri Mohanty submitted that, the petitioner has not approached the Commission in clean hand. In the meantime he has sold the Unit to one Dhaneswar Rath Institute of Engineering & Medical Science (DREAMS). He has suppressed the above fact before the Commission. Further in the prayer made before the GRF, Bhubaneswar in C.C.No.412 of 2008 (BED) though, the petitioner had made no prayer about the refund of Security Deposit

money, but the order of the GRF, Bhubaneswar with respect to refund of Security Deposit, is extraneous and the GRF should not have dealt with the same. The petitioner is also getting interest on the balance amount of Security Deposit. In view of the above, since, the respondent has not violated the order of GRF, Bhubaneswar the present petition is to be rejected.

- 7 Heard, the parties at length.
8. The submission, made by the respondent to the effect that, the petitioner in the mean time has sold its unit to another person, has not been denied by the petitioner. From the, copy of the order dated 14.03.2008 of GRF, Bhubaneswar passed in C.C.No.412 of 2008(BED), which has been made as Annexure-2 to this present petition, filed by the petitioner, it is found that, the refund of SD to the petitioner by the respondent was never an issue framed by the GRF, Bhubaneswar in C.C.No.412 of 2008(BED), though the order portion deals with refund.
9. We find that, the respondent has complied with the Order of the GRF, Bhubaneswar passed in C.C.No.412 of 2008. Accordingly there is no violation of the said order of the GRF, Bhubaneswar. Surrender of the original Security Deposit Receipt is the essential requirement for examining the question of refund of the balance security amount, particularly when the unit has been sold and in the said premises a professional educational institution is now functioning. The licensee is directed to conduct a thorough inspection and inquiry regarding the present actual load, metering arrangement and quantum of power consumption and status of payment of energy bills etc.

Sd/-
(B.K. Misra)
Member

Sd/-
(K.C. Badu)
Member

Sd/-
(S.P.Nanda)
Chairperson