

**ORISSA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**UNIT-VIII, BHUBANESWAR - 751 012**  
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Present : Shri B.K. Das, Chairperson  
Shri K.C. Badu, Member  
Shri B.K. Misra, Member

**Case No.38/2011**

Shri Trilochan Singh ..... **Petitioner**

Vrs.

SDO, (Elect), Temple Sub-Division, CESU ..... **Respondent**

**In the matter of:      Application under Section 142 of the Electricity.**

For the Petitioner:      Shri Kishore Chandra Singh, authorized representative.

For the Respondent:      Shri B. K. Nayak, Advocate.

**ORDER**

**Date of Hearing: 04.8.2011**

**Date of Order: 11.8.2011**

The case of the petitioner is that on 05.7.2010 he had applied for a new power connection and for that he had deposited the required processing fees. As there is no service line passing through the said plot, an estimate was made by the respondent to the tune of Rs.1985/- which included Rs.985/- as security deposit. The petitioner deposited the said amount on 24.8.2010 and also purchased the meter on 28.8.2010. Later, on 05.10.2010, JE (Elect.) cancelled the service connection estimate and gave a revised estimate for Rs.28,658/-.

2. Challenging the above action, the petitioner filed a complaint, before the GRF, CESU, Bhubaneswar and the GRF on 23.12.2010 disposed of the said case with the following direction.

*“The authorized representative of the petitioner stated that the petitioner has applied for new connection of power supply on 05.7.2010 by depositing the processing fee of Rs.25/- on 22.7.2010 an affidavit was sworn by Shri K. Singh*

*the co-sharer of the said plot that he has no objection regarding power supply to the petitioner in the same plot. As there is no service line passing through the said plot, an estimate was made by the authorities of the licensee and was sanctioned for Rs. 1985.00, which included Rs. 985/- as security deposit and is intimated to the petitioner vide estimate No. 971 dated 20.8.2010. Accordingly, the petitioner had deposited the estimated amount on 24.8.2010 and purchased a meter on 28.8.2010 for the above purpose. The above service connection estimate letter was cancelled by the JE (Elect) on 05.10.2010 and no steps have been taken by the licensee for supply of power to the premises of the petitioner. The estimate was revised and sanctioned by the E.E. and intimated to the petitioner vide letter No. 13902 dated 29.11.2010 for Rs.28,658/-. Being harassed by the JE(Elect), the petitioner complained against him before the E.E.(Elect.), S.E. and to the SDO on 15.11.2010. As they have not taken any steps for the said service connection, the petitioner had filed a complaint case before the GRF, Bhubaneswar and the said GRF, has disposed of the complaint case on 23.12.2010 with the following direction. In the above, facts and circumstances we are inclined to direct the respondent to give power supply to the complainant under the deposit scheme within 30 days from the date of production of the necessary way-leave to his premises and deposit the amount as per the revised premises and deposit the amount as per the revised estimate which ever is latter”.*

3. When the respondent did not take any step for implementation of the above order of the GRF, the petitioner approached the Ombudsman-I in Case No. OM(I)-07/2011. After hearing both the parties the Ombudsman on 08.4.2011 disposed of the said case with the following direction.

*“x x x x Therefore, as per the mutual consent of both the parties the revised estimate will be prepared taking into account the remunerative calculation for giving power supply to the petitioner for domestic purpose. The Opp. Party is directed to prepare the revised estimate and communicate the same to the petitioner who will deposit the cost after which the Opp. Party will give power supply to the petitioner within 10 days after observing necessary procedures. In view of the*

*mutual agreement between both the parties there is no justification to award compensation to the petitioner as claimed by him.*

*Hence, the case is disposed of and closed”.*

4. Since the direction of the Ombudsman-I has not been complied with by the respondent, the petitioner has come up with the present case u/s 142 of the Electricity Act, 2003 with a prayer for a direction to the respondent to provide power supply to the premises of the petitioner immediately and direct the respondent to pay compensation for violation of the order of the Ombudsman.
5. Notice was issued to the parties fixing the date to 22.6.2011 for admission and hearing of the case. Shri B.K. Nayak, Advocate appearing on behalf of the respondent filed his written objection. The case was heard by the Commission and by order dated 28.6.2011, the Commission gave the following direction.

*“After hearing the parties and perusal the case records, we admit the case. The respondent is directed to examine whether the subject power supply is technically feasible and commercially viable as per Regulation (13) of OERC Distribution (Conditions of Supply) Code, 2004. In case the scheme of supply is certified to be not remunerative, the applicant may be asked to bear the portion of charges to make the scheme remunerative. The petitioner is also directed to deposit the estimated amount calculated as per remunerative scheme. After deposit the estimated amount by the petitioner, power supply should be given to his premises. Both the parties are directed to submit the compliance report to the Commission on or before 15.07.2011.”*

6. Pursuant to the above direction of the Commission, both the petitioner and the respondent, have filed their written submission, which are taken into record.
7. Shri K.C. Singh, the authorized representative appearing on behalf of the petitioner, submitted that the remunerative calculation which has been made is, in violation of Clause 13 and Appendix-I of the OERC Distribution (Condition of Supply) Code, 2004. The petitioner has never applied for contract demand of 1 kw load. Rather he wants connection of contract demand of 5 KW single phase domestic load.
8. Shri B. K. Nayak, Advocate appearing on behalf of the respondent stated that as per the order of the Hon’ble Commission dated 22.6.2011, a copy of the remunerative calculation was communicated to the petitioner. He has been requested to execute the

work through an authorized electrical contractor by depositing 6% supervision charges amounting Rs.1340/- for providing power supply to the premises. Though the petitioner received the said communication, the supervision charges of 6% has not been deposited as yet and no intimation has been given regarding completion of the work through the authorized electrical contractor. The petitioner has never applied for 5 KW contract demand. The statement of the petitioner for a load of 5 KW contract demand is an after thought, after receipt of the remunerative calculation form the Dept.

9. Heard the parties at length.
10. The petitioner produced a document which relates to only 0.5kw load for the purpose of construction of its house.
11. The Commission is satisfied that, if the petitioner has applied for 0.5/1 KW load, then, the remunerative calculation made by the respondent can not be said to be illegal and not in accordance with the OERC Distribution (Condition of Supply) Code, 2004. Therefore, respondent has complied with the direction dated 08.4.2011 of the Ombudsman-I, in Case No. Om-I-7/2011; and accordingly the present case u/s 142 filed by the petitioner against the respondent is not maintainable and hence the complaint stands dismissed.
12. However, the petitioner is at liberty to file a fresh application for availing power as per his requirement, after complying with all the provision of the OERC Distribution (Condition of Supply) Code, 2004. If such an application is made, the respondent would do well to verify the connected load required by observing the procedure as stipulated in the Electricity Act, 2003 and the relevant Regulations. While the petitioner should strictly comply with the legal requirements, the licensee should extend necessary cooperation and assistance to give power supply as expeditiously as possible.
13. With these observations, the matter is accordingly disposed of.

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

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

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