

ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN,
UNIT – VIII, BHUBANESWAR – 751 012
*** **

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

CASE NO.29/2012

Shri Subash Chandra Satpathy ----- Petitioner

Vrs.

The Executive Engineer (Elect.), BWED,

Baragarh, WESCO ----- Respondent

In the matter of: An application under Section 142 of the Electricity Act, 2003 read with Regulation, 17 of OERC (GRF & Ombudsman) Regulations, 2004 for non-implementation of order dated 18.10.2011 passed in C.C Case No. 89/2011 of GRF Burla and also Order dated 21.02.2012 passed in C.R. Case No. OMB (II) W-19/2011.

For the Petitioner: Shri Subash Chandra Satpathy.

For the Respondents: Shri Sarbeswar Nanda, AM (Legal), WESCO, Burla

Date of hearing: 14.05.2012

Date of Order: 21.05.2012

ORDER

1. The case is taken up today on question of admission and hearing.
2. Brief fact of the case is that the petitioner Sri Subash Chandra Satpathy, a 3 phase consumer of the respondents under SI category avails electricity supply from a 100 KVA transformer for his Rice huller since 1978. The petitioner claims that he is also a regular payer of electricity dues and also paid electricity dues upto June, 2011. There are large number of consumers getting power supply from the said 100 KVA transformer in that village namely Buromunda, which causes low voltage problem due to over loading of transformer. The rice huller of the petitioner is 1 KM away from the 100 KVA S/S and the LT line is extended 2 KMs which results low voltage throughout the day and the petitioner is unable to run his rice huller. To run his rice huller, the petitioner, as claimed by the Respondent un-authorisedly interfered with

the partial defective transformer by engaging private persons. As the said defective transformer could not be repaired by him and by verbal and written complaint from the petitioner, one Ghanashyam Patel, the line-man of that area of supply on 01.07.2011 had inspected the transformer and found that two numbers of coil of the said transformer had been damaged. The Lineman had extended single phase supply through the healthy coil of the transformer to the general domestic consumers; but no three phase supply could be extended to the rice huller. Reportedly the people of that village also forced the lineman to disconnect the service line to the rice huller of the petitioner. The said fact was intimated by the lineman to the ESO-II, Barpali on 02.07.2011.

3. Thereafter, the petitioner intimated to the SDO, E.E, and S.E., Bargarh for restoration of power supply to the rice huller, but the respondents had not taken any action for the same. After lapse of 3 months time the J.E.(Elect), Barpali vide its letter No.237 dt.30.09.2011 had intimated the OIC, Barpalli P.S. to give assistance for restoration of power supply to the rice huller of the petitioner, as the villagers opposed to him for restoration of power supply to the rice huller. Resumption of power supply to the rice huller of the petitioner could not be made effective up to 18.10.2011 due to the faulty transformer as well as objection of the villagers. Being aggrieved by the inaction of the respondents, the petitioner filed a Consumer Complaint Case No. 89/2011 before the GRF, Burla and was disposed of by the GRF, Burla vide its Order dated 14.11.2011 with the following observations:-

- “ 1. Bill ought not to have been raised when there is no power supply and as such, such bills are to be withdrawn.*
- 2. Power supply to be restored forthwith, if necessary requisitioning Police and Magistrate under state protection.*
- 3. All consumers of the area are to be screened out and their payment positions are to be verified and collection are to be ensured. Line is to be disconnected with due notice to the defaulting consumers and those who will draw the power without authority they may be booked under S. 135 of the Electricity Act, 2003. x x x”.*

4. As the above Order of the GRF not complied by the respondents, the petitioner had filed Consumer Representation Case No. 19 of 2011 before the Ombudsman-II and the said C.R.Case was disposed of by the Ombudsman-II on 21.02.2012 in favour of the petitioner wherein the Ombudsman-II up hold the Order of the GRF, Burla and also in addition to the said Order the respondents are directed to supply 3 phase power to the consumer at voltage as per law in force. The respondents are to ratify/modify the transformer within a period of 45 days from the date of issue of this Order, if failed then the respondents are to pay compensation of Rs. 500/- to the petitioner by way of adjustment in his subsequent bill. The respondents are also liable for giving compensation of Rs. 100/- per day till restoration of power supply if it will not be

made effective within a period of 15 days from the date of issue of this Order either by way of restoration of power supply or taking strong legal action against the unlawful activities by way of adjustment in the bills as per Regulation 5 of OERC (Licensees Standards of Performance) Regulations, 2004.

5. As the above direction of the Ombudsman-II has not implemented within 45 days, the petitioner has filed this case before the Commission u/S. 142 of the Electricity Act, 2003 for penal action against the respondents and also for implementation of the said Orders of both the Forums.
6. Shri. Nanda, AM (Legal), WESCO- the respondent stated that the present proceeding u/S. 142 of the Electricity Act, 2003 is not maintainable as the petitioner has preferred multiplicity of proceedings i.e. shopping of Forums. As the petitioner has filed this petition here u/S. 142 of the Act, 2003 for implementation of the Orders passed by the GRF, Burla and Ombudsman-II and also has filed Case No. 47/2011 before the District Consumer Dispute Redressal Forum, Baragarh raising the same issues herein and also for compensation. The said consumer case is also pending before the District Consumer Dispute Redressal Forum, Baragarh. He also stated that WESCO-the respondent herein has filed a writ petition bearing W.P.(C) No. 6370 of 2012 challenging both the orders of the GRF, Burla and Ombudsman-II, which is also pending for disposal by the Hon'ble High Court of Odisha. The petitioner has not come to the Commission with clean hand. Therefore, the petition filed by the petitioner is liable to be dismissed without any further consideration.
7. Apart from this the respondent has also stated that as per the Order of the GRF, Burla dated 14.11.2011, the 3 phase power supply was restored on 29.12.2011 by replacing the faulty transformer and taking help of the local police, but due to the prolonged rivalry relation between the co-villagers and the petitioner the co-villagers had disconnected one phase out of the three phase connection provided to the rice huller of the petitioner. It is also to noteworthy to mention here that repeated action of the respondents have so far failed to resolve the problem of the petitioner due to non-cooperation of the petitioner as well as the co-villagers. As per letter dated 23.07.2011 of the petitioner, the respondents have tried to resolve the problem by amicable discussion with the villagers but it was not fruitful. The villagers also had filed a complaint on 02.07.2011 against the petitioner before SDO (Elect.), Barpalli regarding mis-handling of defective transformers by the petitioner. Getting no course of action, the ESO, Barpalli on 30.09.2011 has filed an FIR at the Police Station, Barpalli regarding the interference and to take assistance of police to resolve the disputes between the villagers and the petitioner and but till date the dispute could not be solved among the petitioner and the co-villagers.
8. After hearing the parties and perusal of the case records, the Commission has observed that as the petitioner has approached various forums to address his grievances i.e. shopping of Forums so, the present petition is not maintainable at OERC and liable to be rejected. However, while going through the written submission and hearing the parties; the Commission wanted to know under what circumstances

the respondents, (Executive Engineer, BWED, Baragarh) allowed the single phase of operation of the transformer for such a long period of about 06 months(from 02.07.2011 to 29.12.2011) allowing heavy technical loss of energy in the system. The Commission also wants to know that what action has been taken by the S.E, Baragarh, when the petitioner informed him about the non-restoration of 3 phase power supply to its rice huller and the same time operationalising single phase supply by the lineman in a faulty transformer. The Commission would like S.E, Baragarh, WESCO may enquiry and give a detailed report quantifying the energy loss, including identifying the officials who are responsible of such loss. Further, the Commission directs WESCO:-

- (i) To carry out the load balancing of 100 KVA transformer catering the demand of other consumers and the petitioner immediately. In no case, the transformer should be in operation in unbalance load condition.
- (ii) To furnish a report on 3 phase current, neutral current of the subject 100 KVA transformers and voltage at the petitioner's premises on 15.05.2012, The petitioner is also hereby directed to make himself available during such inspection. The joint inspection report should be signed both petitioner and respondent.
- (iii) Billing, metering and collection status of the consumers under this transformer for the last six months along with the present meter reading of the petitioner.

Thus, rejecting the present petition, the Commission directed WESCO to furnish a detailed report on the matter on or before 25.05.2012.

9. A copy of the order may be marked to MD, WESCO and S.E,Baragarh, WESCO for compliance of the direction at para-8 above.
10. With the above observations, the case is disposed of accordingly.

Sd/-

(S.P.Swain)
Member

Sd/-

(B.K.Misra)
Member

Sd/-

(S.P.Nanda)
Chairperson