

**ODISHA ELECTRICITY REGULATORY COMMISSION  
BIDYUT NIYAMAK BHAWAN  
UNIT-VIII, BHUBANESWAR - 751012  
\*\*\*\*\***

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

**Case No. 15/2013**

Sri Krushna Chandra Sahoo

.....

Petitioner

Vrs.

Executive Engineer (Elect.), Anandpur,  
AED, NESCO & Another

.....

Respondents

**In the matter of: An Application under Sections 142 7 146 of the Electricity act,2003 for non-compliance of Order dated 05.12.2012 of the Appellate authority-Cum- Deputy Electrical Inspector (T&D), Jajpur Road passed in Case No. AAC 06 of 2012.**

For the petitioner: Shri Manoj Kumar Mishra, Advocate

For the respondents: Shri Debasabita Nayak, AM(Elect.), Anandpur, NESCO

**Date of Hearing: 03.05.2013**

**Date of Order:06.05.2013**

**ORDER**

Brief fact of the case is that the petitioner is a domestic consumer bearing Consumer no.AG-589 with a contract demand of 2.5 KW under the Electrical Sub-Division, Anandpur, NESCO.

2. On being aggrieved by the provisional assessment of the Respondent under S.126 of the Electricity act,2003, the petitioner filed appeal before the Appellate Authority-cum-Deputy Electrical Inspector, Jajpur Road, on 27.06.2012. After hearing the parties, the said Appellate Authority has passed the following orders:

*“a. In the light of the above observations and from the entire sequence, it appears to me that the assessment is pre-motivated to frame the Appellant and all actions have taken with malafide intention and hence it is ordered that the final assessment of the Assessing Officer is quashed.*

*b. The respondents are directed to refund back Rs.35,000.00 along with reconnection charges to the Appellant which was deposited by him even*

*before the final bill as for adjustment of such amount in the energy bill will take some years for a domestic consumer.*

*c. The respondents are directed to be very careful for provisional assessment & final assessment under s.126 of the Electricity Act,2003.*

*d. The Respondent is further directed to file compliance within 30 days from the date of receipt of this order otherwise the Appellant will be at liberty to appeal before OERC under s.142 of the Electricity Act,2003”.*

3. Shri Manoj Kumar Mishra, Advocate appeared on behalf of the petitioner has stated that The petitioner has filed this case against the respondents for non- compliance of the above Order dated 05.12.2012 of the Appellate authority-Cum- Deputy Electrical Inspector(T&D), Jajpur Road passed in Case No. AAC 06 of 2012.
4. Heard the parties at length.
5. The Commission expressed its displeasure as regards to the explanation given by the respondents and said that the approval for revision of bill with respect to the order of the Appellate Authority-cum-Deputy Electrical Inspector, Jajpur Road is the internal matter of NESCO. Due to poor internal mechanism, the petitioner should not suffer.
6. After hearing the parties and perusal of the case records, the Commission directs the respondents to implement the order issued by the Appellate Authority within 15 days of issue of this order and furnish a compliance report to the Commission as early as possible.
7. 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**