
receipt of application as per 68, vi OERC Distribution (Conditions of Supply) Code, 2004 and dispose the case within 90 days as per clause 70 Chapter VI OERC distribution (Condition of Supply) Code, 2004 and the effective date of such reduction shall be from the first day of the month following the month in which, the application, complete in all respect was received by the engineer as per Clause 71 Chapter VI of OERC Distribution (Conditions of Supply) Code, 2004.

2. Demand charges as per new demand shall be claimed from the date of reduction of contract demand.

3. No meter rent shall be chargeable in case where the consumer has supplied the meter or the consumer has paid the full cost of the meter, provided by the licensee. The bill shall be prepared for each category on the basis of information provided in the prevailing tariff order. As per the Clause 87, Chapter-IX of OERC Distribution (Conditions of Supply) Code, 2004.

The Complainant is also directed to submit the required papers and documents, as asked by the Opposite Party and as per Clause 68 of OERC Distribution (Conditions of Supply) Code, 2004 for consideration of reduction of demand.”

2. The petitioner had submitted the above GRF Order to the S.E (Elect.), Bhanjanagar and the E.E (Elect.), Boudh, SOUTHCO for implementation. Thereafter, the E.E (Elect.), Boudh had asked to the petitioner to deposit the Test Report from a licensed Contractor and letter of approval from the Electrical Inspector. Those were also deposited by the petitioner with the E.E(Elect.), Boudh with intimation to the S.E(Elect.), Bhanjanagar for consideration. But without considering the said order of the GRF, Berhampur, the S.E (Elect.), Bhanjanagar asked the Petitioner to replace the existing transformer of 500 KVA capacity with 100 KVA capacity and make payment of Rs.98,313/- towards replacement of metering unit considering wastage of energy in higher capacity transformer with lower load.
3. On the grounds of non-implementation of GRF's order, the Petitioner has now moved this Commission under Section 142 of the Act seeking direction to the Respondent to reduce the contract demand from the date of deposit of the processing fees.
4. The Learned Counsel appearing on behalf of the Respondent submitted that the respondent has rightly and law fully claimed demand charges up to 15.09.2014 by strictly following the provisions of the Electricity Act, 2003, Rules, Regulations framed thereunder and as per the tariff Orders passed by the Commission from time to time. The Petitioner had moved GRF, Berhampur for different cause of action i.e claim of demand charge by the present opposite party for rest of the agreement period. After receipt of the order of the Learned GRF, Berhampur, the present respondent never claimed the demand charges to the Petitioner. Similarly, with regard to the allegation the levy of excess charges towards meter rent the respondent demanded the meter rent as per the rate published in the Tariff orders of the Commission. Hence, there is no question of disobedience of the Order of the GRF,

Berhampur by the respondent. As the present opposite party has already communicated his decision on reduction of contract demand of the Petitioner to him he can approach GRF Berhampur if he is aggrieved with the decision as he had earlier approached the Forum with different cause of action. The respondent is ready to reduce the contract demand of the petitioner's Unit, if it is technically feasible, financially viable and legally tenable. Since the Petitioner failed to comply the requirements under the letter dated 17.12.2013 & dated 28.01.2014, the respondent has rejected the application of the petitioner for reduction of Contract Demand from 300KVA to 70 KVA with intimation to him on 14.03.2014.

5. After hearing the parties and perusal of the case records, we find that the order of the GRF has never dealt with the issue of replacement of transformer and associated metering unit for reduction of contract demand since that was not raised before it. The GRF, Berhampur has only directed the Respondent to dispose of the application filed under Regulation 68 for reduction of contract demand within stipulated 90 days. Therefore, violation of GRF order as it stands now does not hold good.
6. Accordingly, the Petitioner is at liberty to raise this issue of replacement of transformer and metering unit before the GRF, Berhampur afresh under Regulation 68 & 69 of the Supply Code read with other provisions of law. The GRF, Berhampur is also directed to consider the application as per the Act and Regulation, in case filed by applicant and pass appropriate orders
7. With the above direction the case is disposed of.

Sd/-
(A .K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson