

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

Present: Shri S. P. Nanda, Chairperson
Shri S. P. Swain, Member
Shri A. K. Das, Member

Case No. 58/2014

Shri Chandra Sekhar Sahu	Petitioner
Vrs.		
SDO (Elect.), Kodala, SOUTHCO & Others	Respondents

In the matter of: **An application under Section 142 of the Electricity Act, 2003 for non-implementation of the order dated 08.06.2012 of the GRF, Berhampur passed in C.C.Case No. 117 of 2012.**

For Petitioner: Shri Chandra Sekhar Sahu

For Respondent: Shri Lambodar Misra, E.E (Elect.), Purusottampur,
Shri Subrat Kumar Routray, DMF (Com. & RA), SOUTHCO Utility

Order

Date of hearing: 22.05.2015

Date of order:09.06.2015

The present petition has been filed by Shri Chandra Sekhar Sahu of Village Beguniapada (Golasahi), Via-Kodala, Dist-Ganjam for non-compliance of order dated 08.06.2012 of the GRF-Berhampur passed in C. C. Case No.117/2012 invoking the jurisdiction of the Commission under Section 142 of Electricity Act, 2003.

2. The petitioner has also submitted that while the GRF-Berhampur disposed of C.C.No. 117/2012 with the following observations:-

“1. To replace with one new healthy and tested energy meter at the premises of the above complainant at the cost of the consumer.

2. To revise the bill of the above complainant for the period from 03/2006 to till the date of replacement of the meter taking three months average consumption of the newly replaced meter dully taking arrear as on 02/2006 and deducting al the payments made by the complainant and serve the same to the above complainant within four months of receipt of this order and reflect the same in the bills in hand.

3. Pay the revised bill within fifteen days after receipt of the revised bill from the opposite party. Failing which the opposite party has got liberty to disconnect the power supply for non-payment of the dues.”

3. The respondent has submitted that as per order of the GRF-Berhampur passed in C. C. Case No.117/2012, the respondent has replaced the meter during August, 2012 and accordingly the bill for the disputed period from 03/2006 to 07/2012 has been revised taking into three months average reading of the newly installed meter in the premises of the petitioner. After revision of the energy bill an amount of Rs.41,041.68 has been effected in the bill during February, 2014. Now the consumer is having with an arrear of Rs.15,413/- as on March, 2015 after revision of the said disputed bill since February, 2014.
4. Heard the parties at length and documents submitted by both are taken on record.
5. During hearing the petitioner objected to the reply furnished by the respondent. From the documents enclosed to the submissions by both, the petitioner and the respondent, it is observed that some other unexplained amounts have also been added for the period between 3/2006 to 7/2012 which is not in accordance with the decision of the GRF, Berhampur passed in C.C. Case No.117 of 2012. No explanation for the amount having done lawfully, observing the due procedure of law and under due acknowledgement of the petitioner is submitted by the respondent. Such unexplained amount at the back of the petitioner during reconciliation/adjudicated process, within the period of dispute being decided by the GRF, Berhampur and not observing due process of law speaks ill of the officers of the concerned distribution Utility and void of any fair intention. By this, the respondent not only mislead the petitioner but also the Commission. Therefore, the respondent is directed to correct/revise the bills against the above consumer strictly in accordance with the decision of GRF, Berhampur passed in C.C. Case No.117 of 2012 for the said period without any ambiguity within two working days of receipt of this order and serve on the petitioner with due acknowledgement, failing which an amount of Rs.20,000/- (Twenty thousand) only shall be recovered from the erring officer of the distribution Utility and Rs.5,000/- (Five thousand) only for each day of delay till the process is completed.
6. Dues for the period from 8/2012 to 3/2015 be prepared taking into account of the revised bill for the period specified by order of GRF, Berhampur in C.C. Case no.117 of 2012 and petitioner shall be allowed suitable instalments to pay the bills but not less than five equal monthly instalments along with current dues.
7. While going through the case records, it is observed that between period from 27.02.2012 to 06.06.2012, 9 (nine) dates were fixed by the GRF for

reconciliation/adjudication process by GRF, Berhampur, but none of the officers of the distribution Utility were present before the said Forum to protect the interest of the Distribution Utility. This is a serious lapse and necessary action shall be taken by the Distribution Utility as per the suggestion of the GRF, Berhampur in the said order under intimation to the Commission.

8. With the above observations, the present application is disposed of.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson