

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**UNIT-VIII, BHUBANESWAR - 751 012**  
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**Present:      Shri S. P. Nanda, Chairperson**  
**Shri S. P. Swain, Member**  
**Shri A. K. Das, Member**

**Case No. 79/2014**

M/s. Saswati Granite Products	.....	Petitioner
Vrs.		
E.E, KED, CESU	.....	Respondent

**In the matter of:      An application under Section. 142 of the Electricity Act, 2003 for non-implementation of Order dated 28.10.2014 of the GRF, Khurda passed in Case No. 195/2014 (KED).**

**For Petitioner:      Shri A. K. Sahani, the Authorized representative**

**For Respondent:      Shri J. K. Jena, AGM (Elect.), KED, CESU.**

**Order**

**Date of hearing: 22.05.2015**

**Date of order: 02.07.2015**

The present petition has been filed by M/s. Saswati Granite Products, Kuradmalla Dist-Khurda invoking the jurisdiction of the Commission under Section 142 of Electricity Act, 2003 for non-compliance of order dated 28.10.2014 of the GRF, Khurda by KED, Khurda passed in C. C. Case No.195/2014.

2. The authorized representative appearing on behalf of the petitioner has submitted that the petitioner is a consumer of CESU under Khurda Electrical Division with contract demand of 73KW availing power supply at 11 KV. He alleged that the Respondent prepared the bills on average basis of consumption of 1589 units per month without taking the meter reading from the month of September, 2012 to June, 2013. The meter reading was taken in the month of July, 2013 and accordingly the bills prepared on 17868 units which is accumulated unit for the said period i.e. 09/2012 to 07/2013 though the meter is in good condition. The MDI reading had not been taken for the months of 09/2012 to 10/2013 and demand charges were charged on a demand of 112.8 KVA in the month of 10/2013 which was to be revised.
3. Being aggrieved by above action of the Respondent, the petitioner moved the learned GRF, Khurda for redressal of his grievances in C. C. Case No.195 of 2014. The

learned GRF, Khurda disposed of the said C. C. Case No.195 of 2014 on 28.10.2014 with the following directions :-

- “1. *The OP is directed to revise the petitioner’s energy bill from Sept,2012 to July, 2013 at an average consumption of 1589 unit per month & issue the petitioner for necessary payment.*
2. *The OP shall provide dump data for the month of Oct, 2013 & July,2014 & settle the consumer grievances at their end failing which the Forum has no hesitation to entervain the petitioner further grievance.*

*The above process shall be completed within 30days.”*

4. As the above Order of the GRF, Khurda was not implemented by the respondent, the petitioner moved the Commission under Section 142 of the Electricity Act, 2003 for compliance of the same. The matter was heard by this Commission on 22.05.2015 and the Commission had issued the Interim Order on 26.05.2015 with the direction to the Franchise/CESU authorities to sit together and conciliation report should be given to the Commission within seven days of issue of that order.
5. The respondent has submitted that as per order of the Commission, a meeting was held on 30.05.2015 in the Office of the AGM (Elect.), KED, Khurda for revision of the bills of M/s. Saswati Granite Products. In that meeting Shri J. K. Mishra, AGM(Elect.), KED, Khurda, Shri P. K. Sahoo, Dy. Manager (Tech.), KED, Khurda and Shri B. K. Prusty, AMF(Rev.), KED, Khurda were present. The Report of the said Conciliation Meeting was submitted before this Commission on 03.06.2015 wherein it has been noted that basing upon the direction of the Commission, the energy bills of M/s. Saswati Granite Products of Kuradhamalla bearing Consumer No.CMI86 is revised during average period from Nov., 2013 to Dec, 2014 as per the new meter reading taking in to consideration of the average consumption of unit for three months i.e. from Jan, 2015 to March, 2015 and the withdrawal amount of Rs.63824.98 (Rs.224465.75 – Rs.160640.77) was adjusted by FEDCO in the month of March,2015 energy bill of the petitioner. The Respondents also submitted that as per different retail supply orders of the Commission, the Respondent has revised the demand charges for the period from FY 2005-2006 to 2014-2015 and an amount of Rs.136635.00 has to be withdrawn from the energy bills of the petitioner. The total amount of Rs. (Rs.63824.98 + Rs. 136635.00) = Rs.200459.98 has to be withdrawn after getting due approval of the GM (Elect.), Electrical Circle-II, Bhubaneswar as the revised amount is more than one lakh.

6. The petitioner has also submitted his reply to the above written submission of the respondent stating therein that the revision bill submitted by the respondent is erroneous and is not final one as such revision is subject to the approval of the higher authorities of the licensee. The respondent has not taken in to account the DPS charges and the revision of demand charges are not conformity to the different tariff orders for FY 2006 to 2009 of the Commission which states as follows:-

*“ If power supply is made through a static meter with MDI, then the reading of the meter, showing maximum demand will be treated as the contract demand, irrespective of the agreement. Therefore, for the purpose of calculation of MMFC the above shall form the basis.”*

7. The Representative of the petitioner has also submitted that as per order of the Commission, the Meeting was held on 30.05.2015 between the licensee and the franchise without any intimation to the consumer-petitioner to manipulate their irregularities made in their earlier bills.
8. After going through the documents submitted by the parties in the above case and also taking in to consideration of the written submissions of the parties and the minutes of the Conciliation Meeting held on 30.05.2015 we find that the petitioner was not intimated about the said conciliation and was absent in the said meeting. Since the Order of the learned GRF, Khurda passed in C.C. Case No.195 of 2014 has not been complied with, both the petitioner and the respondent are directed to sit together in the presence of President, GRF for settlement of the erroneous bills in accordance with the order of GRF and after such reconciliation of the said erroneous bills, the respondent should get due approval of the GM(Elect.), Electrical Circle-II, Bhubaneswar, if necessary within fifteen days from date of this order and intimate such compliance to this Commission within seven days thereafter.
9. However, in case the respondent- Executive Engineer (Electrical), KED, CESU fails to comply with the above direction of the Commission in the present case and contravenes the provisions of the Act, there shall be penalty amounting to Rs.5000 (Rupees five thousand) which shall be recovered from the respondent by the competent authority of the Licensee CESU on expiry of the period allowed above and Rs. 1000/- per each day of delay till the default persist.
10. 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