

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNAKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751 021

**Present: Shri U. N. Behera, Chairperson
Shri S. K. Parhi, Member**

Case No. 17/2017

Sri Biolochan Jena	Petitioner
Vrs.		
SDO (Elect.), NESCO Utility	Respondent

In the matter of: An application under S.142 of the Electricity Act, 2003 for non-implementation of Order dated 01.12.2016 of Appellate Authority-cum-E.E.-cum-DEI, Jajpur passed in Case No.AAC No.01 of 2016.

For Petitioner: Shri A.K.Sahani, authorized representative of the petitioner

For Respondent: Shri Sitansu Sekhar Satpathy, SDO (Elect.), Jajpur Road Electrical Division.

ORDER

Date of hearing: 13.06.2017

Date of order:19.06.2017

- The Petitioner Shri Bailochan Jena is a consumer with contract demand 1 KW which was subsequently raised to 7 KW after verification by NESCO Utility Authority on dated 12.11.2012. The licensee NESCO Utility imposed penal bill under Section 126 of Electricity Act, 2003 for suppression of contract demand and defective meter of the consumer. The Petitioner approached GRF, Jajpur Road vide Case No. 393/2013 and the Forum in its order dated 30.12.2013 instructed NESCO Utility to revise bill and issue final assessment order after giving sufficient opportunity to the Petitioner to be heard under Section 126 (3) of Electricity Act, 2003.
2. The petitioner submitted that when the GRF order was not complied by the respondent he approached Ombudsman-II vide Case No. N-29/2016 wherein the Ombudsman-II on 25.06.2016 directed the respondent to give an opportunity of hearing to the petitioner and based on the same, issue final assessment order within 30 days from the date of issue of his order and furnish compliance to him within 45 days. The Ombudsman-II further directed that the petitioner may move to Appellate Authority u/S. 127 of the Electricity Act, 2003 within 30 days from the date of receipt of final assessment order from the respondent. The petitioner stated that after lots of persuasion the respondent finally heard the matter on 17.08.2016 and final assessment order was issued. The petitioner brought also to our notice that neither in the provisional nor in the final assessment order the respondent had provided him the calculation sheet of the bill.

3. The petitioner further submitted that they had gone on appeal to Appellate Authority in Case No. AAC No. 01/2016 as per the order of the learned Ombudsman-II. In his order no. 715 (2) dated 01.12.2016 the Appellate Authority quashed the final assessment order of the assessing officer and also directed the respondent to refund Rs. 25, 000/- paid by the appellant through adjustment in the monthly bills of the appellant. He also directed respondent to revise the bill as per the procedure given by him.
4. When neither of the order of the Ombudsman-II nor Appellate Authority was implemented fully the petitioner has approached this Commission u/S. 142 of the Electricity Act, 2003.
5. The Respondent NESCO Utility has submitted that it has already revised the bill in accordance with the direction of the Appellate Authority and has withdrawn an amount Rs. 49513.40.
6. Heard the parties at length. It is found that the dispute has basically arisen from non-submission of calculation sheet of the bill along with both provisional and final assessment order of the respondent. Therefore, the respondent is directed to provide revised calculation sheet in compliance of the order of the Appellate Authority.
7. If the petitioner is not satisfied with the calculation sheet provided by the respondent he may approach the Ombudsman-II who can take a view on whether orders of the Ombudsman-II and Appellate Authority has been complied properly.
8. Accordingly, the case is disposed of.

Sd/-

(S. K. Parhi)
Member

Sd/-

(U. N. Behera)
Chairperson