

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

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

Case No. 39/2017

Shri Bijay Kumar Prusty Vrs. E.E (Elect.), DED & another	Petitioner
In the matter of:	Respondents
An application under S.142 of the Electricity Act, 2003 for non-implementation of 13.07.2016 of the Ombudsman-I, passed in Case No.55 of 2016 & Order dated 15.05.2017 of the Ombudsman-I passed in Case No. 39/2017.		
For Petitioner:	Shri Sanjay Kumar Prusty.	
For Respondents:	Shri Swapna Sarit Mishra, AGM (Elect.), DED, Dhenkanal, CESU and Shri Ashok Kumar Mishra, Head Legal M/s. ENZEN Global Solutions Pvt. Ltd.	

ORDER

Date of hearing: 07.11.2017

Date of order:07.02.2018

The present Petitioner Mr. Bijay Kumar Prusty residing in Dhenkanal division of CESU had applied for new service connection for his newly constructed house on Plot No. 2952/5969 of village Kunua. The application was rejected by the Respondent due to existing arrear on the same premises. The Petitioner being aggrieved by the action of Respondent CESU had approached GRF, Dhenkanal which also did not accept his prayers. Thereafter, the Petitioner had approached Ombudsman-I vide CR Case No. OM (I) – 55/2016 which had directed CESU to extend power supply to the newly constructed house of the Petitioner over Plot No. 2952/5969. But CESU did not comply with the order of the Ombudsman stating that the newly constructed house is not situated over Plot No. 2952/5969 which they have found out after physical verification.

2. The Petitioner corrected his mistake in plot number and again applied for a LT connection for his newly constructed house over Plot No. 2950/5511 but the Respondent CESU did not accept his new application. The Petitioner finding no other way approached Ombudsman I which in their order in CR Case No. OM (I) – 39/2017

dated 15.03.2017 again directed the DISCOM to extend power supply to the house constructed over Plot No. 2950/5511.

3. The Respondent CESU stated that the Petitioner is grandson of late Kalandi Prusty. After the death of Mr. Kalandi Prusty his both sons namely Mr. Brundaban Prusty (father of the Petitioner) and Mr. Bipin Bihari Prusty were jointly residing and consuming the power supply given in the name of late Kalandi Prusty without making payment of monthly electricity dues. Due to non-payment of arrear of Rs.1,20,517/- upto August, 2016 the power supply was disconnected on 25.09.2016. Due to dispute on the matter that who was to foot the arrear electricity bill, the Petitioner applied for a new service connection. When the said application was not accepted due to arrear outstanding against the premises, the Petitioner approached GRF Dhenkanal who directed the Petitioner to clear the electricity bill first before availing new connection. Being aggrieved by the order of GRF, the Petitioner approached Ombudsman I who vide his order in CR Case No. 55/2016 directed for release of new connection in favour of the Petitioner in Plot No. 2952/5969. The Ombudsman in his order also gave liberty to CESU to recover arrear dues outstanding against the name of late Kalandi Prusty.
4. When the personnel of Respondent reached the spot to provide power supply the Petitioner insisted that the power supply should be given to the old premises of Mr. Kalandi Prusty and upon denial showed a vacant plot for supply of power. The Petitioner subsequently approached CESU to supply power to another plot bearing Plot No. 2950/5511 without settling arrear electricity dues. When the matter stood thus one Shri Ajaya Kumar Prusty filed a complaint before GRF not to provide any service connection in the name of the Petitioner since after the death of Mr. Kalandi Prusty his legal heirs including the Petitioner were in occupation of the premises and were consuming the power supply but reluctant to pay their share towards electricity dues. When the second petition was rejected by the GRF the Petitioner approached Ombudsman who in his order in CR Case No. 39/2017 directed the Respondent to supply power to the newly constructed house over Plot No. 2950/5511. Consequent to the order of Ombudsman-I the matter was referred by CESU to the local Tehsildar who reported that the newly constructed house is spread over Plot No. 2950, 2950/5511 and stands recorded in the name of his deceased grandfather Mr. Kalandi Prusty who is having a arrear electricity dues of Rs.1,59,203/-. Therefore, as per the order of the Ombudsman-I and OERC Supply Code the Respondent asked the

Petitioner to clear the dues of Mr. Kalandi Prusty before availing a new power supply. But till date nothing is heard from the Petitioner. The conduct of the Petitioner by filing of successive complaints before the GRF, Ombudsman including before the Commission reveal that the Petitioner is in a mood to avail new service connection without making payment of the arrear electricity dues in respect of the deceased consumer and that too after consumption of the electricity years together.

5. Heard both the Petitioner and the Respondent. The scope of Section 142 of the Act under which the present petition is filed is very limited one. The Ombudsman is to find out whether his order has been complied within the perimeter of the Regulation and the Act. It will not be out of place to state that OERC Regulations have sufficient provisions for redressal of these types of disputes. The crux of the dispute is that whether the newly constructed house in which the Petitioner intends to avail supply is situated in the same premises of late Mr. Kalandi Prusty against whose name the DISCOM has an arrear. In this matter we refer to OERC Supply Code, 2004 which in Regulation 10 (iv) and 10 (vi) states as follows:

- iv) A new connection to such sub-divided premises shall be given only after the share of outstanding dues attributed to such sub-divided premises is duly paid by the applicant. A Licensee shall not refuse connection to an applicant only on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicants.*
- vi) Any charge for electricity or any sum other than charge for electricity as due and payable to licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any land / premises as the case may be, shall be a charge on the premises transmitted to the legal representative/ successor-in-law or transferred to the new owner/ occupier having lawful occupation of the premises as the case may be, and the same shall be recoverable by the license as due from such legal representative or successor-in-law or new owner / occupier having lawful occupation of the premises as the case may be.*

6. In view of the above provisions of Supply Code and all other enabling provision the Ombudsman is to find out whether his order has been properly carried out or not. Liberty is given to the Petitioner to approach Ombudsman again and Ombudsman upon hearing both parties should give a conclusive finding as to whether his order has been implemented or not and pass necessary orders.

7. With this observation the case is disposed of.

Sd/-
(S. K. Parhi)
Member

Sd/-
(A. K. Das)
Member

Sd/-
(U. N. Behera)
Chairperson