

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

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

Case No. 60/2017

Sri Ganeswar Das	Petitioner
Vrs.		
SDO, NESCO, Khunta	Respondent

**In the matter of: An application under Section 142 of the Electricity Act, 2003 for
 challenging the provisional assessment order of the SDO (Elect.),
 NESCO Utility, Khunta passed under Section 126 of the above Act.**

For Petitioner: Nobody is present.

For Respondent: Shri Prasanta Kumar Manna, SDO (Elect.), Khunta, NESCO Utility.

ORDER

Date of hearing: 24.07.2018

Date of order: 28.08.2018

Sri Ganeswar Das has filed the above case under Section 142 of the Electricity Act, 2003 against the provisional assessment order of the SDO (Elect.), NESCO Utility passed under Section 126 of the Electricity Act, 2003. The petitioner is a domestic consumer of NESCO Utility under SDO (Elect.), Khunta Electrical Sub-division having contract demand of 1 KW. On 22.02.2017 the staff of the Vigilance/MRT squad of NESCO Utility had verified the electrical installation of the petitioner in his premises and found that the petitioner-consumer is availing power supply of 2.5 KW without having meter against 1 KW sanctioned load. Accordingly, the Assessing Officer of NESCO Utility had made provisional assessment order under Section 126 of the Electricity Act, 2003. An amount of Rs.31,242/- is claimed as the provisional assessment for such un-authorised use of electricity which amounts to theft of energy. Being aggrieved by the said provisional assessment order made under Section 126 of the Electricity Act, 2003, the petitioner had filed C.C. Case No. 69/2017 before the GRF-Balasore for withdrawal of assessment amount made by the assessing officer taking the plea of mis-utilisation of Section 126 of the Electricity Act, 2003, wherein the learned GRF-Balasore had dismissed the above case as the issue regarding withdrawal of penal assessment amount is beyond the jurisdiction of the said Forum. Hence, present petition has been filed before the Commission under Section 142 of the Electricity Act, 2003.

2. The respondent in its reply submitted that the petitioner has filed the above case before this Commission challenging the provisional assessment order dated 22.02.2017 made by the Assessing Officer of the NESCO Utility under Section 126 of the Electricity Act, 2003 which is not maintainable here as there is a Forum constituted under Section 127 of the Electricity Act, 2003 for adjudication of appeals preferred against the order passed under Section 126 of the said Act by the Assessing Officer of the distribution utility.
3. Heard the respondent. After going through the case records we opine that the application of the petitioner is not entertainable here as it comes under Section 127 of the Electricity Act, 2003.
4. With the above observation, the case is disposed of.

Sd/-
(S.K.Parhi)
Member

Sd/-
(A. K. Das)
Member

Sd/-
(U. N. Behera)
Chairperson