

**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. 61/2017

Sri Srinibash Puthal	Petitioner
Vrs.		
SDO (Elect.), Khunta	Respondent

**In the matter of: An application under Regulation 142 of the Electricity Act, 2003
 for miss-utilization of the provisional assessment order u/S. 126 of
 the said Act.**

For Petitioner: Falguni Rajguru Mohapatra the authorised representative.

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

ORDER

Date of hearing: 05.06.2018

Date of order: 19.06.2018

The Sri Srinibash Puthal, Basipitha, Mayurbhanj has filed the above case u/S. 142 of the Electricity Act, 2003 for misuse of the provisions of Section 126 of the said Act. by the respondent S.D.O(Elect.), Khunta, NESCO Utility by making an assessment order.

2. The representative of the petitioner has submitted that the petitioner is a consumer of NESCO Utility having contract demand 5 KW. The respondent herein had verified the premises of the petitioner and reported on 01.03.2017 that there were absence of TP box seals and terminal cover of the meter and the meter body seal was also tampered. The report also stated that meter was not recording the actual consumption of the petitioner-consumer. The consumer was availing power supply un-authorisedly and dis-honestly by tampering all the seals of the meter. Basing on the above report of the Assessing Officer a provisional assessment order u/S. 126 of the Electricity Act, 2003 was served on the petitioner. The petitioner now states that the above report is illegal and bad in law. Against the aforesaid penal assessment order of the respondent,

the petitioner has approached the Forum constituted u/S. 42 (5) of the Electricity Act, 2003. The forum has declined to entertain the grievance of the petitioner against the penal assessment order as it has no jurisdiction to entertain the application of the petitioner.

3. Heard both parties. After going through the case records we opine that the application of the petitioner is not entertainable here under the Electricity Act, 2003. The Assessment order passed u/S. 126 of the said Act. by the Assessing officer of the distribution utility is challengeable before the Appellate Authority constituted u/S. 127 of the said Act.
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