

**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. 06/2018

The Headmaster, Balimunduli High School Petitioner

Vrs.

The S.D.O (Elect.), Khunta Respondent

In the matter of: An application under S.142 of the Electricity Act, 2003 for gross violation of initiating proceeding u/S. 126 of the said Act. and also for non-implementation of Order dated 22.07.2017 of the Ombudsman-II passed in C.R.Case No. OM(II) N-28 of 2017.

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 Headmaster, Balimunduli High School, Balimundali, Mayurbhanj has filed the above case u/S. 142 of the Electricity Act, 2003 for gross violation of initiating proceeding u/S. 126 of the Act. and non-implementation of order dated 22.07.2017 of the Ombudsman-II passed in C.R. Case No. Omb (II) N-28 of 2017.

2. The representative of the petitioner has submitted that the petitioner is a consumer of NESCO Utility having contract demand of 1 KW under SPP category and has been using the power for its school only. The respondent herein had verified the Hostel of ITDA Department, Govt. of Odisha which is situated inside the school premises having a separate Consumer A/C No-522211062172. During verification it was found that the hostel was utilizing electricity through hooking and thereafter NESCO authority made provisional assessment of an amount of Rs. 1, 19, 334/- for un-authorised use of electricity under Section 126 of the Act. The said penal amount was

added to the petitioner's electric bill who is a separate consumer therefore it is illegal and bad in law. Against the above penal assessment order of the respondent, the petitioner moved to the Fora constituted u/S. 42 (5) & (6) of the Electricity Act, 2003. Both the Fora declined to entertain the grievances of the petitioner against the penal assessment order as both of them have 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