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**Case No. 13/2018**

Smt. Binata Sahu has filed the above case under Section 142 of the Electricity Act, 2003 against the judgement dated 05.01.2018 of the Ombudsman-II passed in C.R. Case No. 68 of 2017 wherein the Ombudsman-II has dismissed the case stating therein that the forum has no jurisdiction to entertain the issues of provisional assessment order dated 06.05.2015 amounting to Rs.1,09,729/- of the Assessing Officer of NESCO Utility made under Section 126 of the Electricity Act, 2003. On repeated calls the Petitioner was absent. The Respondent stated that the Assessing Officer during his spot verification on 06.05.2015 to the premises of the petitioner found out that the petitioner-consumer was un-authorizedly and dis-honestly availing power supply through an electromagnetic meter having all hologram and lead seals of the meter body tampered. Basing on the said verification, the respondent had served a provisional assessment order amounting to Rs.1,09,729/- to the consumer under Section 126 of the Act.

2. The respondent in its reply has also submitted that after receiving the same, the petitioner has not filed any objection before the Assessing Officer. Since no objection to the said provisional assessment order had been made, the final assessment order was passed on 08.06.2015 with an amount of Rs.38,594/- and the same was also served to the petitioner vide Letter No. 387, dated 08.06.2015. The petitioner without preferring an appeal u/S. 127 of the Electricity Act, 2003 before the Appellate Authority against the order passed under Section 126 of the said Act by the Assessing Officer of the distribution utility had filed C.R Case No. 68 of 2017 wherein the Ombudsman-II has dismissed the case stating therein that the forum has no jurisdiction to entertain the issues of provisional/final assessment order passed by the assessing Authority under Section 126 of the Electricity Act, 2003.
3. Heard the parties. After going through the case records we opine that the application of the petitioner is not entertainable here since it comes under Section 127 of 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