
Sri Abhina Mohan 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. 67 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 made by the Assessing Officer of NESCO Utility amounting to Rs.1,09,729/- made under Section 126 of the Electricity Act, 2003. The Assessing Officer during his spot verification on 06.05.2015 to the premises of the petitioner found that the petitioner-consumer was un-authorizedly and dis-honestly availing power supply by tampering the meter. Basing on the said verification, the respondent has served a provisional assessment order amounting to Rs.1,09,729/- to the consumer without giving any opportunity of hearing under Section 126 (3) of the Electricity Act, 2003 and not passed any final assessment order which violates Section 126 of the said Act.

2. The respondent in its reply submitted that the petitioner has filed the above case before this Commission challenging order dated 05.01.2018 of the Ombudsman-II passed in C.R. Case No. 67 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 of the Assessing Officer of NESCO Utility made under Section 126 of the Electricity Act, 2003 making an assessment of Rs.1,09,729/-. On 06.05.2015 the Vigilance team of NESCO Utility had verified the premises of the petitioner and recorded the findings in SVR No. 0346/08646 and basing on that report provisional assessment for an amount of Rs.1,09,729/- was made for un-authorised use of electricity and the said Assessment order was served on the petitioner on that date. After receipt of the same, the petitioner has not filed any objection before the Assessing Officer. As no objection to the said provisional assessment order was made, the final assessment order was passed on 08.06.2015 for an amount of Rs.38,594/- and the same was served to the petitioner vide Letter No. 387, dated 08.06.2015. The petitioner without preferring an appeal under Section 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. 67 of 2017 before Ombudsman 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 respondent. The Petitioner or its representative did not appear before the Commission today. 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 under Section 126 of the said Act by the Assessing officer of the distribution utility is challengeable before the Appellate Authority constituted under Section 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