

**ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021**

Case No. 15/2019

Rabindra Nath Behera	Petitioner
Vrs.		
E.E (Elect.), CED, Cuttack & another	Respondents

In the matter of: **Application u/S. 142 & 146 of the Electricity Act, 2003 for non-compliance of the order dated 20.04.2017 of the Ombudsman-I passed in C.R.Case No. 02/2017.**

For Petitioner: Shri Rabindra Nath Behera
For Respondents: Shri Amarjit Pattnaik, Executive Engineer(Elect.),
CED,TPCODL, Cuttack.

ORDER

Date of hearing: 22.09.2020

Date of order:28.10.2020

The petitioner Sri Rabindra Nath Behera, claiming as the General Secretary of Consumer Association in the Gopalpur Electrical Sub-division area under erstwhile CESU has filed this petition being aggrieved by non-compliance of the orders of the ombudsman passed in C.R. Case No.OM(I)-02 Of 2017 on the part of distribution licensee.

- Initially, the petitioner had approached the Deputy Collector, Sadar, Cuttack due to arbitrary erroneous bills raised in Gopalpur Sub-division under CED, Jobra, CESU by Riverside Utility Pvt. Ltd.(RUPL), the erstwhile Distribution Franchisee(DF) of CESU. The petitioner alleged there that M/s. RUPL instead of taking the meter readings regularly had issued bills to the consumers of Gopalpur Sub-division in the month of August, 2016 for the period from July 2013 to July, 2016. The Deputy Collector, Sadar, Cuttack had amicably settled the issue through a meeting on 09.01.2014 and drawn up one Memorandum of Understanding (MoU) on 20.01.2014

signed by the representatives of both the parties. Another meeting was taken by SEEC, Cuttack on 11.01.2015 to resolve the issues and the decisions taken in the meeting were recorded. The petitioner submitted that, he had filed a complaint before Grievance Redressal Forum (GRF), Cuttack registered vide C.C.No.326 of 2016 to adjudicate their grievances in accordance with the understandings recorded in the minutes of the meetings held on 20.01.2014 and 11.01.2015 in the matter of issuance of revised monthly bill with slab benefit, allowing the rebate and withdrawal of deemed reconnection charge from 07/2013 to 04/2016.

3. GRF, Cuttack vide its order dt.25.04.2016 in C.C.No.326 of 2016 had directed as below:

1. *The disputed period is to be treated from July, 2013 to April, 2016 (34) months.*
2. *The energy charge bills already served to the consumers covered under the SBM during the above period are hereby quashed.*
3. *Fresh energy charge bills of all affected consumers shall be served on monthly basis with a separate statement showing details of billing made with provision of rebate to be allowed on the amount billed for the disputed period.*

The learned GRF in their findings stipulated the procedure to be adopted for recasting the energy bill from July, 2013 to April, 2016 as below :

- I. *The Electricity Bill from July, 2013 is to be re-billed on monthly basis with slab benefit by splitting up the consumption uniformly.*
- II. *The consumers who will pay the revised bill by the due date as mentioned on the bill are to be allowed rebate on the amount billed from July, 2013.*
- III. *Instalment for payment for energy charges shall be granted to the consumer who will apply for availing the said facility. But, the consumers availing instalment facility shall not be entitled to get rebate as per Regulation 95 of OERC Distribution Code, 2004.*
- IV. *As admitted by M/s. RUPPL/distribution franchisee that no deemed reconnection charges as per the provision of the Regulation is to be claimed against the consumer of Gopalpur Electrical Sub-division as a special case. The consumer shall not be troubled deliberately.*
- V. *As agreed by both the parties the distribution franchisee shall consider to grant maximum eight monthly equal instalments to the consumers having energy charge more than Rs.40,000/- and 6 monthly equal instalments in respect of consumers with energy charges of less than Rs.40,000/- for payment of their energy charges only after receipt of specific written request form the consumers who want to avail instalment facility.”*

4. Due to non-compliance of the above orders of GRF by the licensee, the petitioner had filed a case before Ombudsman-I, which was registered as C.R. Case No.OM(I)-61 of 2016. The Ombudsman had passed its order on 25.08.2016 directing the RUPL (the DF) to comply with the directions of the GRF by the end of September, 2016. The extracts of the orders of the Ombudsman is reproduced below:

“On perusal of the bill revision records provided by M/s.RUPL before this Forum on the date of hearing and having heard to the Managing Director of RUPL and the General Secretary of the affected consumers of the area, it is felt that there is a delay in compliance of the order for all the consumers of the area. The RUPL authorities committed before this Forum for compliance of the GRF order in true spirit by end of September, 2016. It is felt genuine to extend the compliance time period up to end of September, 2016. The bills of the consumers are to be revised through a common excel programme instead of the billing software adopted by RUPL. Sample monthly bill copy provided by the franchise in excel format was verified and found to be in order. The franchisee needs to provide energy bill clearly visible to the consumers and simple understanding of the consumer. The procedural provision should be so constructed so as to give effect to the purpose and object of the MoU. M/s.RUPL should settle up the disputes and should conform to the legislative intent as far as possible and should not take a narrow or restricted view which will defeat the purpose of the order.

Further on receipt of the revised bill, if any consumer is still aggrieved on the correctness of the bill needs to file independently a complaint to the designated authority in line with the provision of the complaint handling procedure. A suitable officer of RUPL is to be specially designated for the work till all the disputes are resolved. The name of such officer with telephone no shall be displayed in the SDM/SDO office of the franchisee and CESU respectively.

5. When there was delay in compliance of above order of the Ombudsman-I, the petitioner again filed another case before the Ombudsman-I. The Ombudsman-I had disposed of the matter in its C.R. Case No.OM(I) – 02 of 2017 on 20.04.2017 with the following directions :

- “1. The petitioner is directed to collect all the applications of interested consumers of that area and submit the same to the respondents in phased manner within two months from the date of this order.*
- 2. The respondents are directed to revise the bills and serve to the consumers within 30 days from submission of applications by the petitioner.*

3. Regarding award of compensation, the petitioner may approach the appropriate Forum.”

6. As per the above two orders of the Ombudsman-I, the petitioner on 20.08.2018 had approached the E.E., CED, CESU to address his grievance. Due to non-receipt of any response from EE, CED, CESU and non-compliance of the orders of the Forum by the respondent, the Petitioner has filed this petition in the Commission praying for issuance of direction for revision of the erroneous bills in line with the direction of the GRF & Ombudsman and imposition of penalty on the respondent as per Section 142 & 146 of the Electricity Act, 2003.
7. The respondent-1, Executive Engineer, Cuttack Electrical Division in its reply has submitted that the Gopalpur Electrical Sub-division, which was under the Cuttack Electrical Division, CESU was managed by the franchisee M/s.RUPL. In the proceeding before the GRF as well as before the Ombudsmen M/s. RUPL participated and orders have been passed. The forums like GRF and Ombudsmen are created under Section 42(5)(6) of the Electricity Act to adjudicate the disputes of the consumers. It is submitted that from time to time the Forums are disposing of the grievances of the consumers by making camp courts. In the present case large number of grievances of consumers of the sub-division have been disposed of in camp courts organised by the GRF. The distribution franchisee has revised the energy bills and also addressed the complaints of different consumers. Due credit has been given in the bills of the aggrieved consumers after its revision. They have not received any complaint thereafter from any individual consumer w.r.t. non-redressal of their grievances.
8. CESU has taken over the operation & management activities of the Sub-division with effect from 1st April, 2019. Thereafter, it is open to the consumer to bring their grievances before the authorities of CESU for redressal. The petitioner instead of

pointing out the case of any specific consumer has alleged in a vague manner. The petitioner may be directed to furnish the details of the allegation along with the consumer number and address etc. for taking appropriate steps on case to case basis. The respondent has further submitted that the franchisee, M/s.RUPL has disposed of the representations of 745 nos. of consumers. Further, the respondent submitted that they are not having any objection to take necessary action if any discrepancies will be brought to their notice by any individual consumer with the consumer no and name of the village.

9. The petitioner in its rejoinder, has submitted that revision of bills by M/s.RUPL, the distribution franchisee with the knowledge of the consumers is not a correct statement. Moreover, the submission made by the respondent No.1 about the resolution of complaints is a false statement, for which the Commission may impose penalty. The petitioner is unable to ascertain the methodology of the revision of bill, since the respondent No.1 has only attached the revised bill copy without any revised statement. During the hearing, the petitioner submitted a list of 123 nos. of consumers and has prayed that the respondent be directed to revise the bill as per GRF order with a bill revision statement. The Commission directed the respondent to revise the bills of 123 nos. of the members of association and submit the compliance report by serving a copy on the petitioner.
10. In its reply the respondent submitted that out of the list of 123 nos. of consumers received from the petitioner, the bills of 97 nos. of consumers have been revised and reflected in their E.C. bill for the month of April 2020. Out of balance 26 nos. of consumers account numbers of 21 nos. of consumers are found to be repeated therefore, ignored. From the remaining 5 nos. of consumers, 4 nos. of consumers had given their wrong account number and 1 no. of consumer did not come under

Gopalpur Sub-division area. The E.C. bills of the petitioner has been revised in line with to the OERC Distribution (Conditions of Supply) Code, 2004 and the effective tariff order of the Commission during the period under consideration as per Ombudsman order. The self explanatory revised bill in excel sheet format along with the consolidated statement has been received by the petitioner with due acknowledgement. Further, the individual spread sheets on revised bill has been received by the concerned consumer with due acknowledgement. The concern of the petitioner is duly complied, therefore, the respondent has prayed to drop the proceeding and request to issue directions to the petitioner for payment of outstanding dues pending against the consumers after revision. Further, the respondent has submitted that some of the consumers have accepted the revision and started paying the electricity bills.

11. On hearing both the parties and going through the case records, we observe that the complaint is in the matter of revision of erroneous bills raised by erstwhile distribution franchisee, M/s.RUPL engaged by the distribution licensee for the Gopalpur Sub-division area.
12. After going through the sequence of the case and going through the submissions, we observe that as per the direction of the Ombudsman-I, the respondent has revised the bills of the consumers through a common Excel sheet instead of billing software adopted by RUPL. The consumers have also received those revised bills with due acknowledgement. In the mean time some of the consumers have also started paying their electricity dues which shows that they have accepted the revision. The respondent has submitted that the bills were revised as per the provisions of OERC Distribution (Conditions of Supply) Code, 2004 and in line with Ombudsman order.

They are agreeable to address the grievance if any specific case is brought to their notice.

13. The office of the Commission in the interest of the consumers as a sample check has also checked some of the revised bills to verify whether those are raised in line with the provisions of Regulations framed by OERC or not. It is found that the bills so raised are in line with the provisions of OERC Distribution (Conditions of Supply) Code, 2004 but DPS/Reconnection Charge/Disconnection Charge amount shown in the revised bills in case of some consumers are not appropriate as per Regulation 5.1 of Schedule-I of OERC (Licensees Standards of Performance) Regulations, 2004. Therefore, in those cases the Ombudsman order has not been complied in full. Therefore, we direct that in specific cases where DPS/Reconnection Charge/Disconnection Charge has been imposed, those must be withdrawn in order to comply with the order of Ombudsman within 30 days.
14. After such correction of bill, if any consumer is still aggrieved, he may individually approach the Ombudsman to verify whether his order is properly complied or not.
15. Accordingly the case is disposed of.

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson