

ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNUKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751 021

Present: Shri U. N. Behera, Chairperson
Shri S. K. Parhi, Member
Shri G. Mohapatra, Member

Case No. 60/2019

Sri Subash Chandra Achrya	Petitioner
Vrs.		
The E. E (Elect.), JED, Jagatsinghpur, CESU & another	Respondents

**In the matter of: Application under Sections 142& 146 of the Electricity Act, 2003
 for non-implementation of order dated 09.04.2019 of the OERC
 passed in Case No. 54 of 2017.**

For Petitioner: Shri R. P. Mahapatra, the authorized representative

For Respondent: Shri S. C. Dash, Advocate

ORDER

Date of hearing: 10.11.2020

Date of order: 08.12.2020

The Petitioner Shri Subash Chandra Acharya, Jagatsinghpur has filed the above case under Section 142 and 146 of the Electricity Act, 2003 for non-implementation of order dated 09.04.2019 of the Commission passed in Case No.54 of 2017 by Executive Engineer (Elect.), JED and the Division Head, M/s. ENZEN Global Solutions (P) Ltd., Jagatsinghpur.

2. The authorized representative of the petitioner submits that for redressal of his grievances on wrong billing by the respondents, he had filed a Complaint before the GRF, Paradeep in C.C. Case No. 56 of 2016 and the said GRF, Paradeep had disposed of the above Consumer Complaint Case vide their order dated 20.05.2016 without redressing the grievance of the Complainant. The petitioner being aggrieved by the order of the GRF, Paradeep had filed a Consumer Representation bearing C.R. Case No. 58 of 2016 before the Ombudsman-I and the forum while disposing of the said Consumer Representation vide its order dated 08.03.2017 had directed the respondents as follows:

1. *To revise the wrong bills from 01.07.2011 to 01.04.2015 as per maximum demand recorded in the meter instead of contract demand as per the procedure stipulated in the tariff.*
2. *The prayer for revision of demand charges from 01.04.2005 to 30.06.2011 is not possible in absence of details dump data. But from 01.04.2010 up to 31.03.2011 the bill shall be made on 18.010 KVA i.e. highest maximum demand recorded for the year 2010-11 and from April, 2011 to March, 2012 shall be billed on 28KW instead of 34KW as per the MD data available on the face of the billing ledger. From 2012-13 onwards, the MMFC shall be charged as per actual Maximum Demand even if recorded zero as is done for unit charges.*
3. *The meter rent to be stopped after collection for 40 months from the date of replacement of meter i.e. October, 2006.*
4. *The re-casted bill is to be served upon the petitioner within one month from the date of issue of the order.*

As the above order has not been implemented by the respondents, the petitioner had approached this Commission under Section 142 of the Electricity Act, 2003 in Case No. 54 of 2017. The Commission while disposing of Case No. 54/2017 has observed as follows:-

“Heard the parties at length. After perusal of the case records, the Commission observed that the revision made by CESU needs to clearly spell out the period of revision of bill and also the amount adjusted and due. The Commission, therefore, directs the respondents to clearly indicate the period of revision of the bills and also to revise the bills of the petitioner in accordance with the order of the Ombudsman-I passed in C. R. Case No. 58 of 2016. The revised bills along with the detailed statements of revision of bills are to be forwarded to the petitioner within 15 days from the date of this order. The petitioner is also directed to pay the arrear amount of the bill after such revision, if any, within seven days thereafter.”

3. The authorized representative of the petitioner submits that as the above order of the Commission has not been complied by the respondents, the petitioner has filed the present case for its implementation and penal action against the respondents for disobedience of the direction of the Commission as they have not complied the order of the Ombudsman-I in letter and spirit. The respondents have issued two bills in the month of June, 2019 for adjustment of excess payment amounting to Rs.34,764.92 and Rs.27,720.00 without mentioning any reasons towards adjustment of Rs.27,720.00. There was an anomaly in the Statement of revision submitted by the respondents before this Commission in Case No. 54 of 2017.
4. The Respondent TPCODL states that soon after the passing of the order of this Commission in Case No. 54/2017 dated 09.04.2019 the Respondent took early step to carry out the order by issuing a letter on 01.06.2019 to the Petitioner stating therein the

proposed credit amount of Rs.27,720/-. Subsequently, in the bill of 15.07.2019 for the month of June, 2019 the amount of Rs. 34764.92 as shown in the bill adjustment column was also correctly revised and a revised bill statement was issued indicating therein the adjustment amount as Rs.27720/-. The Respondent has communicated the revisional statement clearly stating therein period of revisional bill and also the amount adjusted in the same as per the order of Ombudsman.

5. In its rejoinder the Petitioner states that the methodology of computation of MMFC and assumption of CD as 34 KW for some period and 6 KW for other periods is erroneous. The Respondent has also levied DPS on the unpaid erroneous bill. If those are considered the adjustment amount shall undergo change.
6. Heard the parties at length. As per the claim of the Respondent the bill has already been revised and adjusted amount has been shown as Rs.27720/-. But the Petitioner is not satisfied with the methodology of computation of MMFC, billing on wrong demand and levy of DPS for which the adjusted amount shall undergo change. The scope of Section 142 is very limited and cannot be used for an appeal for revision of faulty bill. Therefore, the matter is again remanded to Ombudsman-I who shall find out whether their order has been implemented or not. The Petitioner is directed to approach the Ombudsman-I within one month from the date of this order in this regard. If Ombudsman finds that their order has not been implemented then the Petitioner is at liberty to approach this Commission for appropriate proceeding.
7. With this observation, the case is disposed of.

Sd/-

(G. Mohapatra)
Member

Sd/-

(S. K. Parhi)
Member

Sd/-

(U. N. Behera)
Chairperson