
The Opposite Party is directed to treat the consumer as HT(M) category consumer for the temporary construction power supply period with applicable tariff for the respective financial years with 10% extra energy charges and without power factor penalty as per observations above and serve the revised bill accordingly.

The Opposite Party is further directed to install a suitable three-phase static energy meter recording hourly consumption with a memory of 30 days and having facility for downloading the printout of power drawal during off-peak hours for determination of TOD data within 15 days of this order.”

As the above order of the Ombudsman-I was not complied by the respondent, the petitioner moved to this Commission under Section 142 of the Electricity Act, 2003 for compliance of the same.

3. The respondent in his reply has submitted that TOD benefit could not be extended to the petitioner since the off-peak hour consumption could not be ascertained from the dump data available. Due to the technical difficulties with the meter as has been informed by the SDO (MRT), Cuttack vide letter No.4123 dated 20.10.2018, the TOD benefit could not be extended to the Petitioner since September, 2016. This matter was brought before Ombudsman during hearing of C.R. Case No. 109/2018 and after being convinced about the status of the meter that it lacked the facility of recording off-peak hour consumption the Ombudsman passed order to extend TOD benefit to the Petitioner from the dump data available. Regarding treating the consumer-petitioner as HT (M) category for the temporary construction power supply period, there is no need to revise the energy charge as the KWH charge applicable to HT(M) is equal to the rate already billed to the petitioner under GPS tariff for the period from August, 2014 to August, 2016. Addition of 10% extra energy charge by the Respondent is justified as per order passed by the Ombudsman-I. An amount of Rs.48864/- has been withdrawn in the monthly bill of February, 2015 on account of power factor penalty levied. As per order of the Ombudsman-I meter with TOD facility has been installed on 26.06.2019 and with effect from July,2019 and thereafter TOD benefit is being allowed to the petitioner-consumer as per order of the Ombudsman-I.
4. He further submits that the petitioner has made a representation before the Executive Engineer (Elect.), Athagarh vide letter No. AKPPL/19-20/Elect/07 dated 12.02.2020 wherein he has requested the respondent for adjustment of TOD benefit only with effect from September, 2016 to June, 2019. This was not possible due to non-availability of TOD information. Therefore the respondent has complied the said order of the Ombudsman-I except TOD benefit from September, 2016 to June, 2019 which is caused due to non-availability of TOD reading for the period in question.

5. After hearing the parties and perusal of the case records it is observed that the Ombudsman has mainly directed that the respondent to (i) give TOD benefit to the Petitioner from the dump data available in the meter (ii) treat the consumer as HT (M) category consumer for temporary construction power with 10% extra energy charge, and (iii) Install a suitable static meter with TOD facilities. From the submission of the Respondent it is understood that dump data from the old meter has not captured the TOD reading. Therefore, this benefit could not be extended to the Petitioner. Though energy charge of HT (M) category is similar to that of GPS (HT) category the demand charges are different. Accordingly, the Respondent is directed to revise the bill for demand charge component during the period of drawal of temporary construction power if it has not been done earlier to align it with tariff of HT (M) category. The Respondent has also installed a static meter with TOD facility in the month of June, 2019.
6. The petitioner vide his submission dated 27.11.2020 has raised fresh issues that in absence of TOD reading for the period in question, the TOD benefits allowed by CESU from July, 2019 onwards may be extended for such period in question as per the provisions in the tariff order. Since, the prayers so raised by the petitioner now is a fresh request beyond the limit of Ombudsman-I's order dated 15.01.2019, this cannot be dealt within the purview of present proceeding under Section 142 of the Electricity Act, 2003.
7. With the above observation the case is disposed of accordingly.

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson