
Case No. 84/2020

..... Petitioner

The S.D.O (Elect.), Udala Electrical Sub-Division, Udala, NESCO Utility..... Respondent

For Respondent: SDO (Elect.), Udala.

ORDER

Date of order:12.08.2021

Sri Ananda Kumar Bhoi, S/o. Late Paramananda Bhoi, At: Nuasahi, P.O. Sundhal, Via-Salachua, Dist-Mayurbhanj, consumer No.KA-1074 under SOD (Elect.), TPNODL Udala Electrical Sub-division, Udala, Mayurbhanj has filed this petition under Section 142 of the electricity Act, 2003 for non-implementation of order dated 21.01.2020 of the Appellate Authority-cum-Deputy Electrical Inspector, Mayurbhanj by then.

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authority made provisional assessment order under Section 126 of the Electricity Act, 2003. The provisional assessment order bearing No.1775 dated 12.09.2013 amounting to Rs.67,134/- was served to the petitioner giving liberty to file objection to the above assessment order. The final assessment order was passed and served on the petitioner after 30 days having order No.1991 dated 06.11.2013 amounting to Rs.53, 763/-. Being aggrieved by the final assessment order of the assessing officer/ respondent, the petitioner preferred an appeal bearing Appeal No.01 of 2014 before the Appellate Authority under Section 127 of the Electricity Act, 2003. The appellate authority after going through the case records and counter reply of the respondent, had found that the allegation of unauthorized use of electricity was true but the proof of meter tampering was not established. He had accordingly directed NESCO utility to revise the final assessment order as per the actual unauthorized use period i.e. from 5/2013 to 9/2013 for consumption of power by the petitioner. As the said order of the Appellate Authority was not complied by the respondent, the petitioner approached this Commission under Section 142 of the Act, for compliance of the same.

3. The respondent in his reply stated that the final assessment order was issued observing the procedure under Sections 126 of the Electricity Act, 2003. The Respondent in the mean time has complied with the order of Appellate Authority and has withdrawn an amount of Rs. 28,528/- claimed in the final assessment and has reflected the same in the bill of July, 2020.
4. The respondent further submitted that due to COVID-19 situation there was a delay in compliance of the above order of the Appellate Authority-cum-Deputy Electrical Inspector, Mayurbhanj passed in Appeal No. 01 of 2014 dated 21.01.2020 and such delay is not intentional. Therefore, he has prayed the Commission to drop the proceeding initiated under Section 142 of the Electricity Act, 2003.
5. Regarding the compliance of the order of the Appellate Authority the Petitioner has stated that the revision of the bill should be limited to 1 KW unauthorized load but not for the units consumed which the Respondent has done.
6. Heard the matter. As per Section 126 (6) of the Electricity Act, 2003 states at that *the assessment under this section shall be made at a rate equal to twice the tariff applicable for the relevant category of services specified in sub-sections 5*. In view of the above provision in the statute the Respondent has revised the bill basing on both MMFC and units consumed which are part of the tariff and in line with the order of the

Appellate Authority. Since the order of the Appellate Authority-cum-Deputy Electrical Inspector, Mayurbhanj passed in Appeal No. 01 of 2014 appears to have been complied, there is no need to proceed further into the matter and the case is accordingly disposed of.

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson