

**ODISHA ELECTRICITY REGULATORY COMMISSION
BUDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNOKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751021**

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

Case No. 34/2021

Shri Radhakrishna Samantaray	Petitioner
Vrs		
The S.D.O (Elect.), KED, TPCODL, Khordha,	Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 26.03.2021 of the Ombudsman-I passed in C. R. Case No.18 of 2020.

For Petitioner: Shri Radhakrishna Samantaray.

For Respondents: Shri Manas Ranjan Nayak, S.D.O (Elect.), KED, TPCODL, Khordha.

ORDER

Date of Hearing: 27.07.2021

Date of Order:12.08.2021

One Shri Radhakrishna Samantaray, son of late Rama Krishna Samantaray of Gurujanga, Khordha has filed the above petition under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 26.03.2020 of the Ombudsman-I passed in C.R. Case No. 18 of 2020.

2. The petitioner submitted that he had filed a case before the GRF, CESU (now TPCODL) to recall the order dated 09.10.2018 passed in C.C. Case No.719/2018. The said application of the petitioner was registered as C.C. Case No. 1150 of 2019 and was disposed of on 06.01.2020 by the learned forum, who declined to review its own order. Being aggrieved by the order of the GRF dated 06.01.2020, the petitioner approached the learned Ombudsman-I challenging the above order of the GRF, Khurdha passed in C.C. Case No.1150 of 2019. The learned Ombudsman-I while disposing of the C.R. Case No.18 of 2020 vide order dated 26.03.2020 has observed that :

“The Complaint petition is partly allowed.

With all the above observations, the Opposite Parties are directed to recover the arrear electricity charges in the name of the consumer late Ramakrishna Samantaray taking in to account both the power supply connections in the undivided premises in the names of late Ramakrishna Samantaray and Shri Saratkrishna Samantaray as per Clause 17 (vi) of the OERC Distribution Code, 2019 by serving a notice as per Clause 184 of the OERC Distribution Code, 2019 and giving not less than fifteen days time for disconnection of power supply.

After collection of arrears, the Opposite party can take further action to give supply to the legal heirs of late consumer as per Clause 17(I) & (IV) of OERC Distribution Code, 2019. The case is disposed of accordingly.”

As the above order of the Ombudsman-I is not complied by the Respondent, the petitioner has filed the present case under Section 142 of the Electricity Act, 2003 before this Commission for compliance of the above order. He has prayed to connect the 1st electricity connection to the undivided premises and to disconnect power supply to the 2nd electricity connection. He has also for compensation of Rs.2 lakhs.

3. Shri Nayak, the S.D.O (Elect.), KED, TPCODL Respondent herein has submitted that in compliance to the direction of the learned Ombudsman-I vide their order dated 26.03.2012 in C.R. Case No. 18 of 2020, the Office of the Respondent has issued 15 days notice on 26.05.2020 to recover the arrear electricity charges standing in the name of the consumer late Ramakrishna Samantaray taking in to account both the power supply connection in the undivided premises in the name of Sri Ramakrishna Samantaray and Shri Saratkrishna Samantaray. After 15 days of the Notice both the power supply to the said premises were disconnected due to non-payment of arrear dues of late Ramakrishna Samantaray. Thereafter Shri Sarat Krishna Samantaray filed C.C. Case No.719 of 2018 before the GRF, Khurda for new service connection in his name and the learned GRF, Khurda vide their order dated 09.10.2018 had directed the respondent to give a new connection on payment of the arrear outstanding share applicable to Shri Sarat Krishna Samantaray as per the legal heir certificate and to give connection on I-Bond in absence of RoR (Patta). Accordingly a new connection was given to Shri Sarat Krishna Samantaray on I-Bond.
4. Being aggrieved by the order of Ombudsman-I dated 26.03.2021 Shri Sarat Krishna Samantaray filed a writ petition bearing No. W.P.(C). No. 12631 of 2020 and I.A. No. 5807/2020 before Hon’ble High Court of Orissa and Hon’ble Court disposed of the I.A. case by an order dated 27.05.2020 as follows:

“It is directed that operation of the order so far it relates to the petitioner vide Annexure-5 shall remain stayed subject to the petitioner’s depositing a sum of Rs.30,000/- (Rupees Thirty thousand) along with going on paying regular dues.

The order is however subject to the result of the writ petition”

5. As per order of Hon’ble High Court, Shri Sarat Krishna Samantaray had deposited Rs.30,000/- against consumer account of late Dr. Ramakrushna Samantaray (Father of Shri Sarat Krishna Samantaray and Shri Radhakrishna Samantaray). The Respondent has further submitted that taking advantage of pandemic situation the Petitioner Shri Radhakrishna Samantaray had connected power supply illegally and has violated the order of Ombudsman-I. The Respondent submits that the Hon’ble High Court had directed that the operation of the order of the Ombudsman, so far it relates to Shri Sarat Krishna Samantaray, shall remain stayed subject to the Petitioner depositing a sum of Rs.30,000/- along with going on paying regular bill. Considering the order of Ombudsman and interim order of Hon’ble High Court the Respondent S.D.O. has complied both the orders. He prays the Commission to direct the Petitioner to clear his share amount along with other charges within a stipulated period.

6. Heard Mr. Samantaray, the petitioner. We also heard the respondent Mr. Manas Ranjan Nayak, SDO (Electrical), TPCODL, Khordha. Perused the petition of the petitioner along with the objection/reply submitted by the respondent. We also went through the operative portion of order of the Ombudsman-I passed in C.R. Case No.18 of 2020 dated 26.03.2020. For the sake of convenience, the said operative portion of order of Ombudsman-I is extracted below:

“The Complaint petition is partly allowed.

With all the above observations, the Opposite Parties are directed to recover the arrear electricity charges in the name of the consumer late Ramakrishna Samantaray taking in to account both the power supply connections in the undivided premises in the names of late Ramakrishna Samantaray and Shri Saratkrishna Samantaray as per Clause 17 (vi) of the OERC Distribution Code, 2019 by serving a notice as per Clause 184 of the OERC Distribution Code, 2019 and giving not less than fifteen days time for disconnection of power supply.

After collection of arrears, the Opposite party can take further action to give supply to the legal heirs of late consumer as per Clause 17(I) & (IV) of OERC Distribution Code, 2019. The case is disposed of accordingly.”

7. From the above order of the Ombudsman-I and the submission of respondent, the Commission imbibe that the arrear amount outstanding against consumer late Ramakrishna Samantaray is to be recovered from his legal heirs. The present petitioner is one of the legal heirs of late Ramakrishna Samantaray being one of his sons. Similarly, Saratkrishna Samantaray (new consumer) is also one of the legal heirs of said late consumer Ramakrishna Samantaray. When Saratkrishna Samantaray has taken new electricity connection paying a portion of arrear amount of late Ramakrishna Samantaray, it is incumbent upon this petitioner to avail electricity supply in the name of consumer late Ramakrishna Samantaray on payment of his share of arrear dues outstanding against late Ramakrishna Samantaray. But the petitioner without paying a single pie towards arrear amount is pressing hard for reconnection of electricity which is not legally permissible. So in our considered opinion, the petitioner has come up with the present vexatious petition in the guise of non-compliance of the order of the Ombudsman-I. We do not find from the submission of respondent that there has been non-compliance of order of the Ombudsman-I. Accordingly, we hold that the petition of the petitioner having no merit be thus dismissed. If the petitioner wants reconnection of the electricity supply in the name of consumer late Ramakrishna Samantaray, he has to pay his share of the dues decided by the respondent.
8. Accordingly the case is disposed of.

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson