

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

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

Case No. 62/2021

Shri Fakir Charan Sahoo, Petitioner

Vrs

The S.D.O (Elect), Banki Electrical Sub- Division,
Banki, TPCODL, Cuttack-754008. Respondent

In the matter of: Application under Sections 142 and 146 of the Electricity Act, 2003 for non-compliance of order dated 17.12.2021 of the GRF, Khordha passed in Case No. 25 of 2021 and the order dated 08.04.2021 of the Ombudsman-I passed in C.R. Case No. 60 of 2021.

For Petitioner: Shri Kailash Chandra Prusty, Advocate.

For Respondent: Shri Soumya Ranjan Mohapatra, SDO (Elect.), TPCODL, Banki.

ORDER

Date of hearing: 17.08.2021

Date of order: 15.09.2021

The Petitioner filed this petition before the Commission for non-compliance of the order passed by the Learned GRF, Khurda in Complainant Case No. 25/2021 dated 17.02.2021 and order dated 08.04.2021 passed by the Learned Ombudsman-1 in C.R. Case No. OM (I)-60 of 2021. The Petitioner states that he has been availing power supply to his premises since 2016 and has paid the energy charges to the Respondent without default. When his house got damaged he stayed in his paternal house on the other side of the road opposite to his own house.

2. The Petitioner states that he requested the Respondent to shift the electrical connection to his paternal house but the Respondent did not accept the same. Therefore, he approached GRF, Khurda, TPCODL who directed the Respondent to shift the connection to the new location in accordance with the Regulation 45 of OERC Supply Code, 2019. When the said order of GRF was not implemented by the Opposite Party the Petitioner took the shelter of Ombudsman-I who after hearing parties in C.R. Case No. OM(I)-60 of 2021 dated 08.04.2021 directed that the GRF order should be

complied within a month of his order failing which the Petitioner is at liberty to approach OERC for implementation of the order.

3. The Respondent states that in accordance with the GRF order they had asked the Petitioner to submit certain documents such as identity proof, ownership proof of the land to which the connection is to be shifted to facilitate the shifting of the connection. The Petitioner though acknowledged the communication from the Respondent side did not submit the documents asked for and instead approached the Ombudsman-I, Bhubaneswar who again directed the Respondent to implement the order of the GRF.
4. Subsequent to this SDO (Electrical), Banki through registered post asked the Petitioner to submit the requisite documents for shifting of the connection. Accordingly, the Petitioner submitted the documents through post. But on scrutiny of those documents certain discrepancies were found and the Petitioner was communicated about this vide Lr. No. 414 dated 08.07.2021 of SDO, Banki and was also requested for removal of the same. Respondent further states that the Petitioner without complying the requirement as asked for has approached this Commission.
5. During the hearing the Petitioner submits that before filing of the case in GRF in C.C. Case No. 25/2021 the Petitioner has submitted all the documents before the Respondent such as identity proof, ownership proof and treasury challan of Rs.30/- etc. and the Respondent was satisfied with them. After hearing the parties the GRF has passed the order for shifting of the connection. Even before the Ombudsman, the Respondent has not taken the stand that there are discrepancies in the documents submitted by the Petitioner. Rather the Respondent has taken the stand that some arrear is outstanding against the new plot to which connection is to be shifted in the name of late Panchanan Sahoo who is the paternal uncle of the Petitioner. If the Respondent was aggrieved by the order of the GRF they could have approached the appropriate Forum. But without doing that they continued to disobey the order of both GRF and Ombudsman.
6. Heard the parties at length. The GRF, Khurda has directed the Respondent in C.C. Case No. 25/2021 to shift the electric connection (Consumer No. 90015795) from the existing plot to new applied plot in accordance with Regulation 45 of OERC Distribution (Condition of Supply) Code, 2019. This has also been concurred by Ombudsman. The Respondent has not raised any difficulty in implementing the same within the ambit of Regulation 45 of Supply Code, 2019 before the Ombudsman rather they have stated that there is some arrear due in that plot. For convenience we are quoting Regulation 45 of OERC Supply Code, 2019.

“Shifting of Meter / Existing Connection

45. *No consumer can shift the meter without the knowledge and consent of the licensee/supplier. However, the consumer can apply for shifting the service connection/meter in existing premises in the format prescribed in Form No.1 or 2 to this Code. The licensee/supplier shall process the application form in accordance with Regulation 21 of this Code. For site inspection and issuance & payment of demand note for the estimated cost of works, both the licensee/supplier and applicant shall follow the procedure and timelines as laid down in Regulation 37 read with Regulation 80 to 85 of this Code.”*
7. Therefore, in view of the order of GRF /Ombudsman and rival contention of the parties the matter is remanded to GRF, Khurda to see whether their order in C.C. Case No. 25/2021 dated 17.02.2021 is properly implemented or not within a month of issuance of this order. Both the Petitioner and the Respondent are directed to appear before the said GRF with their case within the stipulated time as intimated to them by GRF. Registry is directed to send the copy of this order along with the case record to GRF, Khurda immediately.
8. The case is disposed of accordingly.

**Sd/-
(G. Mohapatra)
Member**

**Sd/-
(S. K. Parhi)
Member**

**Sd/-
(U. N. Behera)
Chairperson**