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**Case No. 92/2021**

..... Respondents

**For Respondents:** Shri Bibaswan Das, Advocate

**Date of Order:11.04.2023**

*“Therefore, in our considered opinion, the respondent will take the dump of the meter from the date of installation to find out the actual status of the meter reading month-wise enabling the truth to come out, whether the final meter reading taken on dated 13.01.2021 by the MRT is correct or not and whether the meter reading has ever been suppressed or not. The respondent also will take the said meter to the Central MRT Laboratory of TPCODL, or any*

*Government approved reliable Meter Testing Laboratory of TPCODL or any Government approved reliable Meter Testing Laboratory mutually agreeable to both parties, for thorough testing of the meter to find out the accuracy of the meter & amp; it's running status, utilizing the competence available with the present management, by bringing this issue to the knowledge of the highest authorities concerned from the respondent's side. If it is found OK, the respondent is free to take into task the erring officials involved with such suppression of the meter reading, thereby causing commercial losses to the organization as well as embarrassing the valued consumers, who have been subjected to unnecessary harassment at the time of vacating his official quarters. The respondent is also free to rectify the erring officials involved with the replacement of OK meters in 12/2013 and 04/2014 licensee can change the 'OK' meter on the context of upgraded technology during their respective incumbency. So, the authorities of the respondents are free to provide compensation, if any due, to the complainants is claimed by him by collecting it from the erring officials or collect the dues as per regulation from the complainant as per his actual consumption recorded & amp; effect revision of his bill till 01/2021 on the basis of the facts found from an independent investigation of facts from either respondents' own MRT Lab or any Govt. approved Lab mutually agreed to both the parties, the complainant & amp; the respondents. This order shall be carried out within 15 days. If the petitioner is aggrieved with either by this order or due to non-implementation of the order of the Grievances Redressal Forum in time, he/she can make the representation to the Ombudsman-I Qr. No.3R-2(S), Gridco Colony, Bhoi Nagar, Bhubaneswar within 30 days from the date of order of the Grievances Redressal Forums."*

3. As the above order of the GRF, Bhubaneswar was not complied with by the Respondents-Licensee, the Petitioner filed a Consumer Representation Case before the Ombudsman-I in C.R. Case No.109/2021. The Learned Ombudsman-I vide its order dated 06.08.2021 disposed of the said Consumer Representation Case with the following directions:

*"The authorized representative of the petitioner consumer is present. The opposite party-2 is also present and represents OP-1. The conciliation is taken up in terms of Regulation-6(1)(c) of Odisha Electricity Regulatory*

*Commission (Grievance Redressal Forum & Ombudsman) Regulation 2004. Perused the case record including the order dated 26.4.2021 passed by GRF, Bhubaneswar in C.C. Case No.160/2021. Side by side, I also perused the prayer of the petitioner consumer. It is found to be a case for non-compliance of the aforementioned order of the GRF. So the OP-2 is directed to comply with the order dated 26.04.2021 passed by GRF, Bhubaneswar in C.C. Case No.16/2021 within a month hence failing which the petitioner would be at liberty to approach the Hon'ble OERC for redressal of his grievance in terms of the provisions of Section 142 of the Electricity Act, 2003. With above direction to the OP, the representation of the petitioner is disposed of at the stage of conciliation."*

4. The direction of both the Forums having not been complied by the Respondents, the present petition was filed by the Petitioner invoking the provisions under Section 142 of the Electricity Act, 2003 for compliance of the order of the said Authorities.
5. While the matter stood thus, being aggrieved by order dated 06.08.2021 of the Ombudsman-I passed in C.R. Case No.109 of 2021, the Respondent-Licensee filed a Writ petition before the Hon'ble High Court of Orissa in WP(C) No.38415 of 2021. The Hon'ble Court after hearing both the parties vide their order dated 22.03.2023 dismissed the Writ petition with the following observations:

*"13. This Court finds that there is no dispute that the order passed by the GRF was never challenged by the distribution licensee. The consumer filed C.R. before the Ombudsman-I for implementation of the order. The Ombudsman by order dated 06.08.2021 directed for implementation of the order. Thereafter, the writ petition was filed on 06.12.2021.*

*Perusal of the order passed by the learned GRF as quoted above, goes to show that the direction is for testing of the meter by the Central MRT laboratory of licensee or any Government approved reliable Meter Testing Laboratory agreeable to both the parties.*

- 14. In considered opinion of this Court direction for testing of meter is to the prejudice of none, inasmuch as learned GRF has not given any direction regarding the claim of the consumer-complainant or the supplier licensee. In fact since the licensee is the owner/in controller of the meter, it was for them to get the meter tested as directed which the licensee did not pay any heed.*
- 15. Whether an electric meter is to be tested or not, cannot be a substantial question of law before this Court after both the statutory authorities the GRF & Ombudsman have directed and from the materials placed before this Court, it is apparent that as such there is no prohibition under law for testing of the meter to know its functioning to be correct or not.*
- 16. In view of the discussions made above, this Court is not inclined to interfere with both the orders dated 26.04.2021 passed by the Grievance Redressal Forum (GRF), Bhubaneswar in Consumer Case No.160 of 2021 as well as*

*order dated 06.08.2021 passed by Ombudsman-I of Electricity, Bhubaneswar in Consumer Representation (CR) Case No.109 of 2021.*

*The writ petition is dismissed. No order as to costs.”*

6. In course of hearing, the Commission heard both the parties. The Respondent-Licensee submitted to have taken steps for implementation of the order dated 26.04.2021 passed by the GRF, Bhubaneswar in C.C. Case No.160 of 2021 as well as the order dated 06.08.2021 passed by the Ombudsman-I, Bhubaneswar in CR Case No.109 of 2021.
7. Accordingly, the Respondent-Licensee is directed to act upon the aforesaid direction of the Hon’ble High Court of Orissa passed in WP(C) No.38415 of 2021 within a period of one month and report compliance. However, if the Respondents fail to implement the same within one month of the receipt of this order, the Petitioner is at liberty to agitate his grievance once again before the Commission.
8. With the above direction, the case is disposed of.

**Sd/-**  
**(S. K. Ray Mohapatra)**  
**Member**

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

**Sd/-**  
**(S. C. Mahapatra)**  
**Chairperson**