

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

**Present: Shri G. Mohapatra, Officiating Chairperson
 Shri S. K. Ray Mohapatra, Member**

Case No. 57/2022

Smt. Sandhya Das	Petitioner
Vrs.		
The Executive Engineer (Elect), CDD No.1, TPCODL, Ranihat, Cuttack -753007.	Respondent

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 12.07.2022 of the Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack passed in AAC. Case No. 01/2021.**

For Petitioner: Shri A. K. Sahani, the Authorised representative

For Respondent: Shri Deepak Kumar Rout, Executive Engineer (Elect.), CDD-I, TPCODL, Cuttack.

ORDER

Date of Hearing: 01.11.2022

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The petitioner Smt. Sandhya Das, Plot No.11-1B/38, Sector-11, CDA, Cuttack has come up with an application under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 12.07.2022 of the Appellate Authority-cum-Executive Engineer-cum-Dy. Electrical Inspector, Cuttack passed in AAC Case No.01 of 2021. The petitioner is a consumer under the jurisdiction of the Respondent with a contract demand of 70KW at 11KV bearing Consumer No. BKDOM 17-170215T for Bulk Domestic supply. The Respondent had made verification of the premises of the petitioner on 11.11.2020 without any notice to her and made provisional assessment under Section 126 of the Electricity Act, 2003 and served the provisional assessment order on 01.12.2020. Further the final assessment Order in this regard was served by the Respondent on 30.12.2020 on the petitioner. Being aggrieved by the said Final Assessment Order, the petitioner herein challenged the same under Section 127 of the Electricity Act, 2003 before the Appellate Authority-cum-Executive Engineer-cum- Dy.

Electrical Inspector, Cuttack in AAC Case No.01 of 2021. The learned Appellate Authority, Cuttack while disposing of the above case has directed the respondent to:-

“ a) The final bill so framed by the then Respondent is infructuous in the eye of law and as such set-aside.

b) The Respondent is directed to refund/adjust Rs.59,000.00 in the monthly bills which the Appellant(Petitioner herein) paid for enabling her to appear before this Authority.

The Respondent is also directed to implement the above order within 30 days from the date of said order.”

2. The respondent has submitted that the order of the Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack in AAC Case No.01 of 2021 has already been implemented and the required amount credited in the bill will be reflected in the bill of September, 2022, which will be generated in the month of October, 2022- with intimation to the petitioner.

Therefore, the Respondent has prayed the Commission to drop the proceedings initiated under Section 142 of the Electricity Act, 2003 as the order passed Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack in AAC Case No.01 of 2021 has already been complied.

3. During the hearing, the authorized representative of the Petitioner has not agreed to the compliance report submitted by the Respondent on the order passed by the Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack in AAC Case No.01 of 2021 as it has not been complied to the satisfaction of the petitioner. Therefore, he prays the Commission to remand the matter to the Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack to examine whether their order passed in AAC Case No.01 of 2021 has been complied by the Respondent in letter and spirit or not.
4. Heard the Petitioner and the Respondent at length through virtual mode. Since the Petitioner is not satisfied with the compliance of the Respondent to the order of the Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack in AAC Case No.01 of 2021, therefore, the matter is remanded to Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack to verify as to whether their order has been complied in letter and spirit or not. The Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack is directed to take up the matter for hearing to ascertain the status of implementation of their order with due

notice to the parties concerned and shall give his findings by hearing both the parties. The Petitioner is at liberty to approach Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack within a month from today in this regard.

5. With the above directions to the parties, the case is disposed of. The Registry is directed to send a copy of this order to Appellate Authority-cum-Executive Engineer-cum- Dy. Electrical Inspector, Cuttack along with the copy of the petition.

Sd/-

(S.K. Ray Mohapatra)
Member

Sd/-

(G. Mohapatra)
Chairperson (Officiating)