

**ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNUKOLI, SAILESHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021**

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

Case No. 100/2023

Sri Sunaram Mohanta	Petitioner
Vrs.		
The S.D.O (Electrical), TPNODL, Rairangpur Electrical Sub-Division No.1, Rairangapur, Mayurbhanj-757043	Respondent

In the matter of: Application under Section 142 of the Electricity Act, 2003 with the prayer to withdraw the final assessment order dated 28.03.2023 of the Assessing Officer, TPNODL passed under Section 126(3) &(5) read with Section 135 of the Electricity Act, 2003 as it is null and void as per Regulation 165 of the OERC (Conditions of Supply) Code, 2019.

For Petitioner: Er. R.K. Behera, the authorised representative.

ORDER

Date of Hearing: 16.11.2023

Date of Order: 16.11.2023

- The Petitioner- Sri Sunaram Mohanta has filed the present petition under Section 142 of the Electricity Act, 2003 with the prayer to withdraw the final assessment order dated 28.03.2023 of the Assessing Officer, TPNODL passed under Section 126 (3) & (5) read with Section 135 of the Electricity Act, 2003 as it is null and void as per the Regulation 165 of the OERC Distribution (Conditions of Supply) Code, 2019.
2. According to the Petitioner, he is a consumer of the Respondent-Licensee, TPNODL. The Respondent-Licensee had verified his electrical installations and issued an inspection report to the Petitioner. Basing upon the said verification report, the TPNODL-Licensee issued a provisional assessment order dated 25.02.2023 and disconnected the power supply. Thereafter, on 28.03.2023, the Respondent-Licensee passed the final assessment order which was issued on 09.05.2023 through Registered Post and the same was received by the Petitioner on 15.05.2023.
 3. The Petitioner submits that the Regulation 165 of the OERC Distribution (Conditions of Supply) Supply Code, 2019 states as follows:

“The person, on whom a provisional assessment order has been served shall be entitled to file objections, if any, against the provisional assessment before the assessing officer within seven days, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within 30 days from the date of service of such order of provisional assessment of the electricity charges payable by such person. During the hearing, the Assessing Officer shall give due consideration to the facts submitted by the consumer and

pass, a speaking final order as to whether the case of unauthorized use 70 of electricity is established or not. The order shall contain the detail of inspection report, submissions made by consumer in his written reply and oral submissions during hearing and reasons for acceptance or rejections of the same. If no final order is passed and served on the person whose electricity consumption has been provisionally assessed within 30 days of service of provisional assessment order, then such order shall be null & void.”

Further, Section 126 (3) of the Electricity Act, 2003 states as follows:

“The Person, on whom a notice has been served under Sub-Section (2) shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from days from the date of service of such order of provisions assessment, of the electricity charges payable by such person.”

4. The Petitioner submits that the Respondent-Licensee has violated the aforesaid provisions of the Regulation 165 of the OERC Distribution (Conditions of Supply) Code, 2019 and Section 126 (3) of the Electricity Act, 2003. As a result, he is unable to prefer an Appeal before the Appellate Authority under Section 127 (1) of the Electricity Act, 2003 which is extracted hereunder:

“127. Appeal to Appellate Authority- (1) Any person aggrieved by a final order made under Section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.”

5. A conjoint reading of the Regulation 165 of the OERC Distribution (Conditions of Supply) Code, 2019, Section 126 (3) of the Electricity Act, 2003 and Section 127 (1) of the Electricity Act, 2003, extracted above, makes it clear that the Petitioner has chosen the erroneous path of filing the present application before this Commission for redressal of his grievances mentioned in his application without approaching the appropriate Forum. There is specified authority to hear the application of the person aggrieved by the order under Section 126 of the Electricity Act, 2003. Hence, the present Petition stands disposed of as unentertainable, with liberty to the Petitioner to move the appropriate Forum, if so advised.
6. With the above observation, the case is disposed of.

Sd/-

(S.K. Ray Mohapatra)
Member

Sd/-

(G. Mohapatra)
Member

Sd/-

(S.C. Mahapatra)
Chairperson