

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

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

Case No. 22/2023

Dr. Aswini Kumar Behera Petitioner
Vrs
The S.D.O (Elect.),
Electrical Sub-division No-1, Bhutapara,
TPWODL, Sambalpur Respondent

In the matter of: Application petition under Sections 142 of the Electricity Act,2003 for non-compliance of order dated 07.07.2012 of the GRF, Burla passed in C.C. Case No.01/2012-13 and so also Order dated 05.12.2022 of the Ombudsman-II passed in C.R. Case No.09/2022.

For Petitioner: Dr. Aswini Kumar Behera.

For Respondent: Shri K.C. Nanda, GM(Fin.), TPWODL.

ORDER

Date of Hearing: 02.05.2023

Date of Order: 02.05.2023

The Petitioner- Dr. Aswini Kumar Behera, At/P.O: Dhankauda, Sambalpur has filed the present petition under Section 142 of the Electricity Act, 2003 for non-compliance of order dated 07.07.2012 passed by GRF, Burla in C.C. Case No.01/2012-13 and so also, Order dated 05.12.2022 of the Ombudsman-II passed in C.R. Case No.09/2022.

2. The petitioner submits that as the Respondent has complied the order of the GRF, Burla passed in C.C. Case No.01/2012-13 wherein the learned GRF had observed as follows:

“The consumer alleges that details were not provided about the sundry adjustment and for which the Opposite party agreed to provide the same. Of course, he will not claim any demand thereof as the matter has been settled in OTS. The Complainant further says that even if the OTS was granted’ No dues Certificate’ was not issued to him whereas the opposite party stated that certificate has been prepared as per copy attached to the written counter dated 26.03.2012 and undertakes to provide the same to the complainant in original. The complainant further says that a separate connection in the name of his wife has been applied for has not yet been granted. The opposite party undertook to provide a separate connection on due estimation and detailed be searched out from the Office of the Sectional Officer and if no available, a copy thereof is to be provided by the complainant. In this connection, Co-Opted Member took it a serious view as how all the information were not provided to the complainant in spite of

repeated requests which compelled him for OTS. The Opposite party further took a plea that the OTS application form has not been properly filled in by the complainant and if it was not filled up how the 'No Dues Certificate' was prepared. The Complainant further alleges that his OK working meter has been changed without any notice.

In the instant case, the consumer was having his own meter which was working properly but the meter has been changed and the reason of replacement of meter was not spelt out. However, as it is the licensee's meter now functioning, licensee is charging meter rent. In these circumstances whether the licensee is to charge the meter rent or not is to be referred to the OERC as because the meter installed earlier was the party meter. So meter rent may not be charged till clearance from the OERC.

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3. As the above order of the GRF, Burla was not complied by the Respondent, the Petitioner filed the Representation Petition before the learned Ombudsman-II registered as C.R. Case No.09 of 2022 and the learned Ombudsman, upon hearing the parties, had passed the following orders:-

“ 1. The petitioner is to apply in fresh for availing power supply to the same premises in the name of his wife with relevant papers. The S.D.O(Elect.), TPWODL, SEED, Sambalpur will inspect the premises of the petitioner and check the availability of separate individual network for new connection in favour of the wife of the petitioner as per Regulation 20 of OERC (Conditions of Supply) Code, 2019.

2. The Respondent is directed to allow in writing to the petitioner to pay the outstanding dues in ten equal monthly installments. After receipt of the 1st installment along with reconnection fees, petitioner's line must be reconnected immediately.

3. As the petitioner is in doubt of his meter accuracy, his meter must be tested either at departmental testing centre or State Testing Laboratory as per Regulation 111 of the OERC (Conditions of Supply) Code, 2019.

Both the parties are directed to act as per the above directions within 15 days and file compliance before this Authority within 30 days.”

4. The Representative of the Respondent submitted that notwithstanding the maintainability of the Complaint Petition, pursuant to the order dated 05.12.2022 of the Ombudsman-II passed in C.R. Case No.09/2022, the Respondent has duly complied with the directions of the Ombudsman-II. The supply of power has been extended to the premises of the consumer from 10.12.2004 with current energy meter Serial No. WLT038947. Since then, the consumer has been enjoying electricity uninterruptedly without paying any electricity bills. The outstanding arrear against the consumer upto February, 2023 comes to Rs.2,60,347/-. The wife of the Petitioner Smt Sushama Behera had applied for a new connection on 13.08.2010 on the same premises, where the petitioner has been availing power supply. On the date of application of the new connection, there was an outstanding arrear of Rs.7,395/- against the said premises, which stood unrealized. In view of the Regulation 10(i) of the OERC Distribution (Conditions of Supply) Code, 2004 read with Section 43 of the Electricity Act, 2003, the second connection to the said premises was not permissible on account of

outstanding energy bills against the premises as well as the bar under proviso to Section 43 of the Electricity Act, 2003. The Petitioner partly challenged the order dated 07/07/2012 of the GRF, Burla passed in C.C. Case No.01/2012-13 to provide a separate connection in the existing premises of the petitioner in the name of his wife before the Learned Ombudsman-II in C.R. Case No.OM(II)W-09/2022, wherein the learned Ombudsman vide his order dated 05.12.2022 directed the Petitioner herein to apply for a fresh electricity connection and the Respondent was directed to provide the connection in adherence to Regulation 20 of the OERC Supply Code, 2019. The Respondent was also directed to allow the petitioner to pay the outstanding dues in ten instalments and to reconnect the power supply to the premises of the Petitioner after receiving 1st instalment amount along with reconnection charges. The Petitioner was also directed to get the energy meter tested as per Regulation 111 of the OERC Supply Code, 2019. Pursuant to the Order of the Ombudsman-II, the Petitioner did not apply for any fresh connection in compliance with the 1st direction. Neither he paid any instalment out of 10 instalments of the outstanding arrear, nor cooperated the Respondent for testing of energy meter in the pre-fixed date. Therefore, it is prayed by the Respondent before the Commission to direct the petitioner to cooperate with the DISCOM for compliance of the order of the Ombudsman-II passed in C.R. Case No.OM (II)W-09/2022.

5. After hearing both the sides and considering the materials on record, we are of the opinion that there are no lapses on the part of the Respondent as to non-compliance of the order of the Ombudsman-II inasmuch as the Petitioner has not complied with the directions given to him by the Ombudsman. Be that as it may, we direct the Petitioner to remain present before the Office of the S.D.O (Elect.) No.1, Electrical Sub-division No-1, Bhutapara, TPWODL, Sambalpur on 08.05.2023 at 11 A.M for resolution/settlement of the issues raised by him regarding new connection of power supply in the name of his wife to the said premises of the Petitioner with due procedure. The petitioner is directed to cooperate with the Respondent-TPWODL for compliance of the above order of the Ombudsman –II passed in C.R. Case No.OM(II)W-09/2022.
6. With the above observations and directions, the case is disposed of.

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

Sd/-
(G. Mohapatra)
Member

Sd/-
(S. C. Mahapatra)
Chairperson