
Case No. 27/2023

..... Petitioner

..... Respondent

For Respondent: Shri Satya Narayan Samal, Asst. Manager on behalf of KED, Khurda

ORDER

Date of Order: 09.05.2023

The Petitioner-Shri Rama Chandra Rout of Gamei, Gangapada, Jatni, Khurda has filed the present petition under Section 142 of the Electricity Act, 2003 alleging non-compliance of order dated 22.06.2022 passed by GRF, Khurda in C.C. Case No.97/2022 and Order dated 19.10.2022 of the Ombudsman-I passed in C.R. Case No.164/2022.

- “The Respondent is directed to take necessary steps for shifting of 33 kV line on receipt of the application from the petitioner by adhering to the Codal Provision laid down under the Regulation 37 of the OERC Distribution (Conditions of Supply) Code, 2019.”*

3. It appears from the case record that Learned Ombudsman-I in its order dated 19.10.2022 in C.R. Case No.164 of 2022 also directed the Respondent-licensee to comply with said order of Learned GRF, Khurda.

4. Shri Satya Narayan Samal, Asst. Manager (Finance), KED, Khurda appearing on behalf of Respondent-Distribution Company submitted that violating the relevant Regulation as framed by the OERC and the CEA Regulation, 2010, the Petitioner has constructed his house at a belated stage after laying of the 33 kV line in question and now he intends for shifting of the same which is in contravention of Regulation 37 of the OERC Distribution (Conditions of Supply), Code, 2019 read with Regulation 58 of CEA (Measures relating to Safety and Electric Supply) Regulations, 2010.
5. Considering the rival submission of the parties, with reference to the order of Learned GRF, Khurda, the Commission finds that the order of Learned GRF, Khurda appears to be completely ambiguous in nature inasmuch as it did not clarify whether for the shifting of 33 kV lines, the Petitioner would bear the expenses/cost to be estimated by the Respondent-licensee or the Respondent-licensee shall make such shifting without receipt of any charges from the petitioner.
6. Under the circumstances, the Commission remits back the case to the Learned GRF, Khurda for deciding the following points:
 - Whether the 33 kV line running over the building/plot of the petitioner was previously drawn by the Respondent-Licensee unauthorisedly or not.
 - Whether at the time of construction of the 33 KV line over the building / plot, the Petitioner had pointed out such unauthorized construction to the Respondent-Licensee.
 - If it was drawn previously unauthorisedly over the said building/plot of the petitioner, then whether the Respondent-Licensee is to make such shifting without receipt of any charges from the petitioner.
7. Learned GRF, Khurda shall pass a fresh order by giving opportunity of hearing to the parties. Both the parties are hereby directed to appear before Learned GRF, Khurda on 07.06.2023 at 11.00 AM to receive further instruction in the matter.
8. In terms of the above, the application is disposed of.

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

Sd/-
(G. Mohapatra)
Member

Sd/-
(S.C. Mahapatra)
Chairperson