

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

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

**Case No. 40/2023**

Sri Sujit Kumar Satpathy represented by Power of Attorney Holder Smt. Nilima Kamal Satpathy	.....	Petitioner
Vrs.		
The E.E (Elect.), BCDD-II, TPCODL & Others	.....	Respondents

**In the matter of:**     **Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 28.02.2023 of the Superintending Engineer-Cum-Deputy Electrical Inspector, Bhubaneswar, Appellate Authority, Bhubaneswar passed in Case No.01/2022.**

**For Petitioner:**     Ms. Nilima Kamal Satpathy, W/O: Shri Arun Kumar Panigrahi, Special Power of Attorney Holder of Shri Sujit Kumar Satpathy- Petitioner herein along with Shri Arun Kumar Panigrahi, Learned Advocate

**For Respondents:**   Shri Gyana Ranjan Behera, Executive Engineer (Elect.), BCDD-II, TPCODL, Bhubaneswar.  
None appears on behalf of the remaining Respondents.

**ORDER**

**Date of Hearing: 30.05.2023**

**Date of Order: 06.06.2023**

**Brief background of the Case: -**

The Petitioner represented by Power of Attorney Holder Smt. Nilima Kamal Satpathy has filed this petition under Section 142 of the Electricity Act, 2003 stating that she is the special Power of Attorney Holder of one Sri Sujit Kumar Satpathy, the owner in occupation of the premises, Plot No. 266/6427, in Ward No.8, Million Paradise, Chandrasekharpur, Dist-Khordha having Electricity Consumer No. 02811162 and on 22.03.2022 said premises was inspected by the MRT Engineer of TPCODL with his staff. It is averred that MRT Team converted the domestic tariff of the consumer Sri Sujit Kumar Satpathy into LTGP Commercial Tariff which is highly irregular. The petitioner claimed that the premises in question was never used for any commercial purpose.

2. In the petition before the Commission, it is alleged on behalf of the petitioner that one Sri Ajit Kumar Satpathy, the opponent of the owner of the house Sri Sujit Kumar Satpathy could mobilize the MRT Team for conducting the raid in acrimonious manner

and the bills have been raised arbitrarily to the extent of Rs.64,629/- and the petitioner under duress of disconnection of electricity line, had deposited a sum of Rs.45,700/- to escape from disconnection.

3. In the petition, following prayers have been made on behalf of the Petitioner:

*“i. To issue notice to the all opposite parties to give their show cause in the above issue and*

*ii. To withdraw the assessment orders passed by the Assessing Officers of TPCODL and refund RS. 45700/- which has been deposited by the appellant before the TPCODL vide M.R. No. 403090694305817202203 dated 30.03.2022, with interest and direct the TPCODL from re-convert from LTGP tariff to domestic tariff and revise electric bills on domestic tariff instead of LTGP tariff from the date of inspection of the said premises and present revised bill for payment of the petitioner.*

*iii. Award compensation of Rs.5,00,000/- in favour of the petitioner towards litigation charges and mental harassment.*

*iv. To issue any further order as deem fit just and proper in the best interest of justice.”*

4. In his reply, the Respondent No-1, the Executive Engineer (Electrical), BCDD-II, TPCODL, Bhubaneswar has asserted the regularity and propriety of the raid and has reiterated the correctness of the assessment.

#### **Proceedings in the Case and Commission's order**

5. Heard the learned Counsel appearing on behalf of the petitioner and the Respondent No-1 Executive Engineer (Electrical), BCDD-II, TPCODL, Bhubaneswar.

The Learned Counsel for the Petitioner mainly reiterated the contents of the petition, which for the sake of brevity have not been reproduced herein.

From the facts which have been brought to our notice, it stands uncontroverted that the petitioner was in occupation of the premises in Plot No.266/6427, Ward No-8, Million Paradise, Chandrasekharapur, Bhubaneswar. On 22.03.2022, a raid was conducted by the MRT Engineer of TPCODL, Bhubaneswar with his staff, who found that the premises is being used for commercial purposes like power supplied to manpower supply agency and consultancy activities. The quantum of connected load against the commercial usages was 3.6 KW which was 55% of the Contract Demand and accordingly, TPCODL authority converted the domestic tariff for LTGP Tariff.

6. Before the Assessing Officer, the petitioner has not raised any grievance that the raid was conducted as collusion between Shri Ajit Kumar Satpathy, brother of the owner of the premises Sri Sujit Kumar Satpathy and Respondent No-1 Executive Engineer (Electrical) and that the bills have been raised arbitrarily without genuineness. On 30.03.2022, the Assessment Authority had passed order stating that both the parties

settled the final assessment amount as Rs.45,700/- against the provisional assessment bill of Rs. 64,629/- raised against the unauthorised load of 3.6 KW and the petitioner has paid the said amount of Rs.45,700/-.

7. Subsequently, the petitioner challenged the order of assessment made by the Assessing Officer before the Superintending Engineer-Cum-Deputy Electrical Inspector, Bhubaneswar and Appellate Authority who had afforded the opportunity of hearing to the petitioner and the Respondent No-1, and vide his order dated 28.02.2023, disposed of the matter, the operative portion of which runs as under:

*“During hearing of both the parties, it was come to the light that the appellant has made a house rent agreement with another party and that party was using the said premises for commercial activities like Man Power Supply agency and Consultancy.*

*The Respondent has inspected the premises in discharge of his official duties and his physical verification report could not be disbelieved unless and until there was definite and cogent material on record to arrive at such a finding.*

*The appellant has been served notice u/S. 126 of Indian Electricity act, 2003 & Regulation 163 of OERC Distribution (Conditions of Supply) Code, 2019 to show cause within 7 days from the receipt of provisional assessment bill and has given an opportunity to be heard in person before assessing officer. The appellant did not respond to the notice till scheduled date of personal hearing before the assessing officer.*

*The provisional bill amount Rs.64629/- has somehow reduced to Rs.45700/- in final bill, which indicates there is some kind of settlement between both the parties and the appellant has paid the full & final amount to settle the matter.*

*The Provisional & final assessment shall be done from the date of rent agreement between appellant & the tenant as the later is using the said premises of appellant for commercial activities. The provisional & final assessment for 12 months proceeding to the date of verification by MRT team shall be revoked and fresh assessment shall be made considering the date of rent agreement.*

*With aforesaid observation and direction, the appeal is disposed of.”*

8. Be it stated here that the Appellate Authority had issued direction by its order dated 28.02.2023 to the Assessing Authority to redo the calculation of the liability of the petitioner from the date of rent agreement nullifying the calculation covering 12 months of past period. It appears that after several opportunities, the petitioner did not turn up to submit the copy of the rent agreement and finding no other option, the Respondent-Executive Engineer, TPCODL requested the Appellate Authority to supply the copy of the such agreement to avoid further delay in the matter of implementation of the order of the Electrical Inspector. After procuring a copy of the same, the calculation was recast by the Respondent-Executive Engineer, TPCODL from the date of rent agreement and final calculation towards liability of the petitioner was reduced by an amount of Rs.7,777/-. In course of carrying out such aspects of the order of the Electrical Inspector-cum-Appellate Authority, the amount of liability was lessened by

Rs.7,777/- by the Assessing Authority who has issued instruction for adjustment of said amount (Rs.7,777/-) against the bill for the month of June, 2023.

9. There is no semblance of any allegation that the petitioner had actually placed grievances of arbitrary inspection of the premises in question under malicious collusion between Sri Ajit Kumar Satpathy, who happens to be the younger brother of one Shri Sujit Kumar Satpathy, the owner of the house in question and the raiding party of TPCODL. It is rarely believed that the Distribution Licensee officials can enhance the electric bills arbitrarily under allegation that the premises of the petitioner was used for commercial purpose in a thoroughly fanciful and fictitious manner. It is highly pertinent to state here that the petitioner has not stated about acrimonious searches of the premises conducted by MRT Team of TPCODL and artificial enhancement of bills without genuine ground before the Assessing Officer and Electrical Inspector-cum-Appellate Authority. Hence, the plea of malicious enhancement of the bills of the petitioner seems to be an afterthought and the same does not hold good. Lastly, the prayers of the petitioner as a whole, does not fall for consideration within the restrictive scope of Section 142 of the Electricity Act, 2003. Under such circumstances, there is no scope before the Commission to entertain such an application under Section 142 of the Electricity Act, 2003 and thus, the Petition stands dismissed as devoid of merits.
10. Accordingly, the proceeding is disposed of.

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

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

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