

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

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

**Case No. 60/2023**

Smt. Sabita Jena,

.....Petitioner

Vrs.

The Executive Engineer (Elect.), BED,  
Balugaon, TPCODL & another

..... Respondents

**In the matter of:**    **Application under Sections 142& 146 of the Electricity Act, 2003 for non-implementation of order dated 27.10.2022 of the GRF, Khordha passed in C.C. Case No.224 of 2022 (BED) as well as order dated 20.02.2023 of the Ombudsman-I passed in C.R. Case No.20 of 2023.**

**For Petitioner:**       Smt. Sabita Jena, W/o. Shri Kailash Jena.

**For Respondents:**    Shri Shiba Prasad Baliarsingh, Executive Engineer (Electrical), BED, Balugaon & Shri Bibaswan Das, Advocate

**ORDER**

**Date of Hearing: 12.09.2023**

**Date of Order: 12.09.2023**

This matter is taken up today for hearing through hybrid arrangement (virtual/physical).

2. Smt. Sabita Jena, Wife of Shri Kailash Jena, of Rayagurupur, Banpur under the district of Khordha, the Petitioner has filed the present case for implementation of the order dated 27.10.2022 of the GRF, Bhubaneswar Electrical Circle-II, Khordha passed in C.C. Case No.224 of 2022 as well as order dated 20.02.2023 of the Ombudsman-I passed in C.R. Case No.20 of 2023 by the Respondents-TPCODL. The Learned GRF, Bhubaneswar Circle-II while disposing of the Consumer Complaint Case No.224 of 2022 had directed as follows:-

***“The Respondent is directed to shift the electric pole and wire from the Petitioner’s plot by following the Regulation 37 of the OERC Distribution (Conditions of Supply) Code, 2019.”***

3. As the above order of the Learned GRF, Bhubaneswar Circle-II was not complied with by the Respondents-TPCODL, the Petitioner approached the Learned Ombudsman-I in Consumer Representation No.20 of 2023 for implementation of the said order dated 27.10.2022 of the GRF, Bhubaneswar Electrical Circle-II, Khordha passed in C.C. Case

No.224 of 2022. The Learned Ombudsman while disposing of the above noted C.R. Case No. 20 of 2023 has been pleased to pass the order in the following language

***“ x x x .When it is a case for non-compliance of the Order dated 27.10.2022 passed by the GRF, Khordha in C.C. Case No.224 of 2022, the Ops are hereby directed to comply with the said order of the GRF, Khordha in letter and spirit within a month hence failing which the Petitioner would be at liberty to approach the Hon’ble OERC for necessary redressal of his grievance by invoking the powers conferred under Section 142 of the Electricity Act,2003.***

***With the above direction to the OP, the representation of the Petitioner is disposed of at the stage of conciliation.”***

4. When the above order of the Learned Ombudsman-I was not complied with by the Respondents-Licensee, the Petitioner has filed the present case before this Commission to initiate appropriate proceeding in terms of Section 142 of the Electricity Act, 2003 and issue appropriate direction against the Respondents for compliance of the Order dated 27.10.2022 passed by the GRF, Khordha in C.C. Case No.224 of 2022 as well as the order dated 20.02.2023 of the Ombudsman-I passed in C.R. Case No.20 of 2023 with the prayer to direct the Respondents-Licensee to shift the electric pole and wire from her plot bearing No.228 under Khata No.1 of Mouza-Ankula, Khordha as per the order of the GRF, Khordha.
5. Upon hearing the parties, we observe that the GRF, Khordha, in their order dated 27.10.2022 in C.C. Case No.224 of 2022 had directed the Respondent-Executive Engineer (Electrical), BED, Balugaon, TPCODL to shift the electric pole and wire from the Petitioner’s plot by following Regulation-37 of the OERC Distribution (Conditions of Supply) Code, 2019. Further, the Ombudsman-I, vide its order dated 20.02.2023 in C.R. Case No.20/2023 had also directed the Respondent to implement the aforesaid order dated 27.10.2022 of the GRF, Khordha. Accordingly, the Commission in its interim order dated 25.07.2023 had directed the Petitioner to implement the said order of the GRF, Khordha.
6. As per the Petitioner, the LT line can be extended as it was drawn some years back. However, as per the Respondent, so far as implementation of the aforesaid order of the GRF, Khordha is concerned, there is some RoW issue as the existing LT line is to be diverted and also as per the Regulation-37 of the OERC Distribution (Conditions of Supply) Code, 2019, the cost is to be borne by the Petitioner. But the Petitioner does not turn up for discussion on these issues. Therefore, the Commission had also directed the Petitioner earlier to co-operate with the Respondent-Licensee for early implementation of the aforesaid order of GRF, Khordha.
7. Considering the facts and the submissions made before us by the Petitioner and Respondent, we find that as per the provisions of the Regulation 37 read with the

Regulation 63 of the OERC Distribution (Conditions of Supply) Code 2019, the Petitioner has to deposit the cost required for such shifting of LT line. However, the Respondent-Executive Engineer (Electrical), BED, Balugaon, TPCODL is directed to realign the existing LT line by avoiding the line passing over the plot of the Petitioner and by discussing with the Petitioner, explore the possibility of avoiding RoW issues. Further, in order to reduce the burden on the Petitioner, the Respondent is also directed to prepare an estimate for this purpose considering the reuse of existing AB cable, Poles etc., which are in good condition. Further, the Petitioner is directed to co-operate with the Respondent-Licensee to resolve the RoW issue, if any, encountered during the realignment of the said LT line passing over its plot.

8. 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**