

**ODISHA ELECTRICITY REGULATORY COMMISSION**  
**BIDYUT NIYAMAK BHAWAN**  
**PLOT NO. 4, CHUNOKOLI, SHAILASHREE VIHAR,**  
**BHUBANESWAR-751021**

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

**Case No. 77/2023**

Sk. Kamal Uddin	.....	Petitioner
Vrs.		
TPCODL & Another	.....	Respondents

**In the matter of:        Application under Sections 142, 129 & 149 of the Electricity Act, 2003 for non-implementation of order dated 25.04.2023 of the Executive Engineer-Cum-Deputy Electrical Inspector-cum-Appellate Authority, Bhubaneswar passed in Case No.01 of 2021 under Section 127 of the Electricity Act, 2003.**

**For Petitioner:        Shri Ramasish Acharya, Advocate**

**For Respondents:        Shri Nigama Prasad Pati, S.D.O (Elect.), Khandagiri Electrical Sub-Division, BCDD-II, TPCODL.**

**ORDER**

**Date of Hearing: 29.08.2023**

**Date of Order: 29.08.2023**

The Petitioner- Sk. Kamal Uddin, S/o. Sk. Jamal Uddin, Plot No. 282, Niladri Nagar, Jagamara, Bhubaneswar has filed the present petition under Sections 142, 129 & 149 of the Electricity Act, 2003 alleging non-implementation of order dated 25.04.2023 of the Executive Engineer-Cum- Deputy Electrical Inspector-cum-Appellate Authority, Bhubaneswar passed in Case No.01 of 2021 under Section 127 of the Electricity Act, 2003.

2. Heard the Parties (Petitioner & Respondents) in hybrid mode (virtual and physical mode). From the perusal of the pleadings available on record and submission of parties during the hearing, it is understood that the Petitioner had a residential house with connected load of 3.5 kW and an amount of Rs.1,52,650/- had been assessed provisionally and served on the Petitioner-consumer by the Licensee as energy charge bill in the month of June, 2018 as per Section 126 of the Electricity Act, 2003 with request to file show cause, if any, against the provisional assessment within 15 days of assessment. Subsequently, the power supply to the premises of the Petitioner was disconnected in March, 2022 due to no response of the Petitioner as well as non-payment of outstanding arrear of Rs.3,05,689/- including the assessment amount of

Rs.1,52,650/-. As per submission of Respondent, the Petitioner-consumer is a habitual defaulter and very irregular in payment of his electricity dues. Being aggrieved by the action of the DISCOM, the Petitioner approached Hon'ble High Court in WP(C) No. 9034/2022 and Hon'ble High Court of Orissa in their order dated 20.04.2022 had directed as follows:-

*"That the petitioner has a statutory remedy of appeal under Section 127 of the Electricity Act, 2003. This Court while finding the writ petition is not entertainable at this stage. However, looking to plight of the petitioner, directs the petitioner to deposit at least a sum of Rs.1,50,000.00 only making it 50% of the arrear bill at least within a period of 03 (Three) days hence and prefer appeal within 07 days hence. It is further directed that in the event of the petitioner makes the deposit within the aforesaid period, there shall be immediate restoration of power supply to the house of the petitioner. Petitioner is also directed to go on depositing the current monthly dues. Deposit of the balance amount shall be depend on the ultimately outcome in the appeal."*

3. Consequent upon the aforesaid order, the Petitioner deposited a sum of Rs.1,50,000/- with the concerned DISCOM on 23.04.2022 and power supply was restored to the premises of the consumer. The Petitioner also filed an Appeal before the Deputy Electrical Inspector, Bhubaneswar under Section 127 of the Electricity Act, 2003. The Deputy Electrical Inspector in his order dated 25.04.2023 disposed of the matter and directed as follows:

*"The assessment made under the above circumstances shall be treated as null and void. The appellant shall be charged under domestic tariff throughout the period of assessment & the respondent is directed to refund the penal assessment amount deposited or any more with him to the appellant by way of adjustment in the subsequent energy bills and finalize the matter within 30 days from receipt of this order."*

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

4. When the above order of the Appellate Authority was not implemented, the Petitioner again approached the Hon'ble Orissa High Court where in the Hon'ble High court in WP(C) No. 20178/2023 dated 19.07.2023 directed as follows:

*"Taking in to consideration the submissions made by learned counsel for the parties, this Court disposes of the writ petition as withdrawn. If the Petitioner moves an application before the authorities under the Act and prays for interim protection, if any, the same shall be considered in accordance with law."*

*Issue urgent certified copy of the order on proper application."*

5. In the meantime, adhering to the order passed by the Appellate Authority (SE-cum-DEI, Bhubaneswar) in Case No.01/2021, the Respondent DISCOM has withdrawn the assessment amount of Rs.1,52,650/- and has billed the consumer as per domestic tariff. The impact of the order of the Appellate Authority has been reflected in the electricity bill for the month of May, 2023. Therefore, the Respondent DISCOM has

implemented the order of the Appellate Authority dated 25.04.2023. However, as per the DISCOM, the Petitioner has an outstanding electricity bill of Rs.83,803/- upto August, 2023 subsequent to all the adjustments made in the bill pursuant to the order of Appellate Authority. The Respondent TPCODL submits that the Petitioner is a habitual defaulter and as such no payment against electricity bill has been received from June, 2018 to March, 2022 and thereafter, from April, 2023 till date. The Respondent submits that the electricity bill has been recalculated and raised considering applicable domestic tariff from May 2018 to May, 2023 as per the direction of the Appellate Authority. The bill will also be recalculated from June, 2023 onwards on similar line and a sum of Rs.4818/- is to be deposited by the Petitioner for change of consumer category for which demand note has been raised by the Licensee. The Respondent submits that for change of consumer category the proceeding under Section 142 may be dropped as the order of the Appellate Authority has been implemented

6. Since, the order of Appellate Authority under Section 127 has already been implemented, the proceeding under Section 142 is hereby dropped. However, the TPCODL is directed to take recourse of law for recovery of amount outstanding against the present Petitioner, after the adjustment of amount as per direction of the Appellate Authority.
7. Accordingly, the case is disposed of.

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

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

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