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lives

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ODISHA ELECTRICITY REGULATORY COMMISSION
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Present: Shri G. Mohapatra, Officiating Chairperson
Shri S. K. Ray Mohapatra, Member

Case No. 04/2024

Sri Biprabudha Bose Petitioner

Vrs.

The CEO, TPNODL & Others Respondents

**In the matter of: Application under Sections 142, 146 & 147 of the Electricity Act, 2003
alleging non-compliance of order dated 09.12.2022 of the GRF,
Balasore passed in C.C. Case No.309 of 2022 arising out of Order
dated 18.11.2019 of the Learned GRF, Balasore passed in C.C. Case
No.166 of 2019.**

ORDER

Date of Hearing: 26.11.2024

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This matter has been taken up for hearing through hybrid arrangement.

2. Shri Anirudha Lenka, the authorized representative of the Petitioner and Sri Dharendra Naik, Manager (Legal), BNED, Bhadrak, TPNODL-the Respondent-Licensee do appear.
3. The Petitioner has filed the present application under Sections 142, 146 & 147 of the Electricity Act, 2003 alleging non-compliance of order dated 09.12.2022 of the GRF, Balasore passed in C.C. Case No.309 of 2022 arising out of Order dated 18.11.2019 of the Learned GRF, Balasore passed in C.C. Case No.166 of 2019.
4. In its order dated 18.11.2019 passed in C.C. Case No.166 of 2019, the Learned GRF, Balasore has directed the Respondent-Licensee as under:

“(i) To restore the power supply to the complainant’s premises & served a revised bill to the complainant with actual meter reading and allowed 15 days’ time to clear up the dues.

(ii) To pay compensation of Rs.50/- for each day of default for Resolution of Complaint w.e.f. 06.09.2019 upto date of restoration of power supply.

(iii) To pay compensation of Rs.50/- for each day of default as per OERC Complaint Handling Procedure w.e.f. 19.10.2019 upto date of restoration of power supply.”

5. Further, in its order dated 09.12.2022 passed in C.C. Case No.309 of 2022, the Learned GRF, Balasore has directed as under:
 - a) To implement the order of the Forum dated 18.11.2019 in C.C. Case No.166/2019 with regard to award of compensation to the Petitioner under Rule-5 of OERC (Licensee’s Standards of Performance) Regulations, 2004 within 15 days from the issue of this order and submit compliance report through affidavit within one month of this order.
 - b) The GRF has refrained from commenting on the penal billing under section 126 of the Electricity Act, 2003 for unauthorized use of power stating legal competence and jurisdiction of the Forum and has disposed of with liberty to the Petitioner to approach Appellate Authority under Section 127 of the Electricity Act.
6. From the materials available in the case records, it is found that the Petitioner had subsequently approached the Appellate Authority (Superintending Engineer-cum-Dy. Electrical Inspector, Bhadrak) and the Appellate Authority in its order in AAC No.01 of 2023 dated 19.10.2023 had quashed the assessment order of the Licensee and Respondent-Licensee was directed to refund Rs.26,513/- to Appellant-the Petitioner herein through adjustment of such amount on the monthly bills of the Appellant. As submitted by the Respondent-Licensee, the order of the Appellate Authority has been complied with. Thus, nothing survives to be adjudicated upon on the direction of the Learned GRF, Balasore in respect of Para-(b) of their aforesaid order dated 09.12.2022 passed in C.C. Case No.309/2022.
7. Regarding direction of the Learned GRF, Balasore at Para-(a) of their order dated 09.12.2022 passed in in C.C. Case No.309/2022 on the matter of compensation, as the adequate data was not available in the case records, for this purpose, the Commission had remitted the matter to Learned GRF, Balasore to verify regarding payment of compensation by the Respondent-Licensee to the Petitioner and submit a report to this Commission.
8. In the meantime, we have received the report from the Learned GRF, Balasore, wherein the observations of the Learned GRF, Balasore run as follows:

“xxxxxxx

As there is default in resolution of the case till the date 05.11.2019, so the opposite party is liable to pay compensation @Rs.50/- per day of default for Rs.2950.00 for 59 days from 06.09.2019 to 04.11.2019. Further, as the compensation payment is automatic so it should be adjusted in the bill. The compensation as per order dated 18.11.2019 in clause (iii) is incorrect as this has been taken care in clause (ii). It cannot be allowed twice once in clause (ii) & then in clause (iii) of the order.”

9. However, according to the Petitioner, the compensation should be paid for 62 days against 59 days calculated and recommended by the Learned GRF, Balasore.
10. We endorse the above observations of the Learned GRF, Balasore in its report submitted in light of the order dated 07.05.2024 of the Commission. Therefore, we direct the Respondent-Licensee to pay the compensation to the Petitioner as recommended by the Learned GRF, Balasore in their report stated above, if not paid already.
11. If the Petitioner has any further grievances, he is at liberty to approach the Learned GRF, Balasore with an application afresh.
12. With the above observations and directions, the Case stands disposed of.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson