

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

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

Case No. 28/2024

Shri Pramod Kumar Prusty Vrs. The Sr.GM (Commerce), Electrical Section Konark, TPCODL, Puri & Others	Petitioner Respondents
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In the matter of: Application under Section 142 of the Electricity Act, 2003 alleging non-compliance of order dated 01.12.2023 of the Ombudsman-I passed in C.R. Case No.117 of 2023.

ORDER

Date of Hearing: 10.09.2024

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This matter has been taken up for hearing through hybrid arrangement

2. Shri Gyanendra Acharya, Learned Advocate on behalf of the Petitioner-Shri Pramod Kumar Prusty and Shri Debashis Pattanaik, Learned Advocate on behalf of the Respondent-Licensee (TPCODL) do appear.
3. The Learned GRF, Bhubaneswar, vide its order dated 28.08.2023 passed in C.C Case No.157 of 2023, had directed as follows:

*“xxxxxx The Opposite Party will give service connection in commercial tariff if the complainant so desires and then can apply for conversion to domestic tariff. Then the Respondent will verify the purpose of use of electricity and take steps accordingly.
xxxx”*

Further, the Learned Ombudsman-I, vide order dated 01.12.2023 in C.R.Case No.OM(I)-117 of 2023, has directed as follows:-

“In view of such condition it appears proper to issue the direction to the Respondent side for providing power supply connection to the Petitioner initially under the commercial category and the Respondent side shall conduct on the spot enquiry if the power supply connection is availed other than commercial category within thirty days of issuance of this order. The Respondent side is at liberty to take appropriate action in accordance with OERC Distribution (Conditions of Supply), Code,2019 in the event it detects use of power supply in violation of the said code. The Respondent side can levy charge in accordance with OERC Distribution (Conditions of Supply),

Code,2019. The above order shall have no effect in case the PKDA forbids use of the plot for residential purpose. In view of the peculiar circumstances, parties are left to bear their respective costs.”

4. The Petitioner had filed the present Petition under Section 142 of the Electricity Act, 2003 alleging non-compliance of the above order dated 01.12.2023 of the Learned Ombudsman-I passed in C.R. Case No.117 of 2023 and has prayed for following direction to the Respondent-Licensee:
 - i) to comply the order dated 01.12.2023 of the Ombudsman-I passed in C.R. Case No.117 of 2023 arising out of order dated 28.08.2023 of the learned GRF, Bhubaneswar passed in C.C. Case No.157 of 2023;
 - ii) to give power supply to the house of the Petitioner immediately as per 01.12.2023 of the Ombudsman-I passed in C.R. Case No.117 of 2023
 - iii) to impose penalty under Section 57 of the Electricity Act,2003 with additional daily penalty for each day of default for willful harassment to the Petitioner and also to pay compensation for loss suffered by the petitioner.
5. The Commission, vide its interim order dated 23.07.2024, had directed the Respondent-Licensee to comply with the aforesaid order dated 28.08.2023 of the Learned GRF, Bhubaneswar as well as the order dated 01.12.2023 of the Learned Ombudsman-I on extending power supply to the premises of the Petitioner and furnish the compliance report on or before 20.08.2024.
6. In pursuant to the above direction of the Commission, the Respondent-Licensee has submitted the compliance report through affidavit on 29.08.2024, indicating therein that in obedience to direction dated 23.07.2024 of this Commission, power supply has already been extended to the premises of the Petitioner on 16.08.2024 which has been duly acknowledged by the Petitioner in the meter installation report.
7. We have heard the Learned Advocates appearing on behalf of the Petitioner and the Respondent-Licensee (TPCODL). The Learned Advocate for the Respondent-Licensee prays before the Commission that the present Petition filed under Section 142 of the Electricity Act, 2003 may be dropped as the order dated 28.03.2023 of the Learned GRF, Bhubaneswar passed in C.C. Case No.157 of 2023 as well as order dated 01.12.2023 of the Learned Ombudsman-I passed in C.R. Case No.117 of 2023 have already been complied with.
8. In course of hearing, the Learned Advocate appearing on behalf of the Petitioner submits that as per the Commission's interim order dated 23.07.2024, the Respondent-Licensee has given the electricity connection to his premises under commercial tariff category after making fresh

application for such supply under compulsion by depositing an amount of Rs.6268/-. According to the Petitioner, the order of the Learned GRF, Bhubaneswar has been partly complied with and for compliance of the second part of the aforesaid order dated 28.08.2023 of the Learned GRF, Bhubaneswar, it will take about another 30 days. The Petitioner further submits that he had initially applied for electricity connection for domestic purpose on 16.09.2022 for which an amount of Rs.3910/-was deposited, which has not yet been refunded by the Respondent-Licensee. The Petitioner raises apprehension that the Respondent-Licensee may not refund the amount, the case is closed.

9. After hearing the Parties, we observe that in complying with the direction of the said orders of the Learned GRF, Bhubaneswar and Learned Ombudsman-I, the Respondent-Licensee has extended electric supply to the premises of the Petitioner under commercial tariff category. As per the said orders of the Learned GRF, Bhubaneswar and Learned Ombudsman-I, steps shall be taken by the Respondent-Licensee for conversion of the supply from commercial category to the domestic tariff category as per the OERC Distribution (Conditions of Supply) Code, 2019, after spot enquiry and verification of the purpose of use of electricity, which may take time. Therefore, it may not be prudent to continue the proceeding of the present case further.
10. In view of the above, the proceeding in the present case stands disposed of with the direction to the Respondent-Licensee to look into the above mentioned grievance raised by the Petitioner and refund/adjust the amount, if any, in favour of the Petitioner.

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

Sd/-
(G. Mohapatra)
Officiating Chairperson