

Grievance Redressal Forum
TPWODL, BARGARH
 First Floor, Raymond Building, Bandutikra Chowk,
 Bargarh, Pin- 768028
 Email: grf.bargarh@tpwesternodisha.com, Ph No.06646-230135
Bench: Sri B.K Singh (President) and Sri S. Tripathy, Member (Finance)

Ref: GRF/Bargarh/Div/BED/BWED/ (Final Order)/ 136⁽⁴⁾

Date: 06.11.2024

Present: Sri B. K Singh (President),
 Sri S. Tripathy, Member (Finance).

1	Case No.	BGH/105/2024			
2	Complainant/s	Name & Address M/s. Ashoka Sambalpur Bargarh Tollway Ltd. At-Toll Plaza, Barhagoda Dist- Bargarh.		Consumer No 512001110891, 512001110908 512001110913, 512001110914 512001110916, 512001110926 512001110927, 512001110928 512001110930, 512001110957 512001110958, 512001070063 512001070064, 512001070065 512001111042, 512001111046 512001111059, 515001110817 515001110818, 515001110819 515001110820, 515001110821 515001110822, 515001110823 515001110824, 515001110825	Contact No. 9938090138
3	Respondent/s	1. EE(Elect), BED, Bargarh, TPWODL 2. EE(Elect), BWED, Bargarh, TPWODL		Division B.E.D, Bargarh/B.W.E.D, Bargarh, TPWODL	
4	Date of Application	23.09.24			
5	In the matter of-	1. Agreement/Termination 3. Classification/Reclassification of Consumers 5. Disconnection / Reconnection of Supply 7. Interruptions 9. New Connection 11. Security Deposit / Interest 13. Transfer of Consumer Ownership 15. Others (Specify) -X	X X X X X X X	2. Billing Disputes 4. Contract Demand / Connected Load 6. Installation of Equipment & apparatus of Consumer 8. Metering 10. Quality of Supply & GSOP 12. Shifting of Service Connection & equipments 14. Voltage Fluctuations	√ X X X X X X
6	Section(s) of Electricity Act, 2003 involved				
7	OERC Regulation(s) with Clauses	1. OERC Distribution (Conditions of Supply) Code, 2019 , Regulation 138(c), 140, 44 √ 2. OERC Distribution (Licensee's Standard of Performance) Regulations, 2004 3. OERC Conduct of Business) Regulations, 2004 4. Odisha Grid Code (OGC) Regulation, 2006 5. OERC (Terms and Conditions for Determination of Tariff) Regulations, 2004 6. Others			
8	Date(s) of Hearing	04.10.2024			
9	Date of Order	06.11.2024			
10	Order in favour of	Complainant	√	Respondent	Others
11	Details of Compensation awarded, if any.	NIL			

Place of Hearing: Office of The President,GRF,Bargarh, TPWODL.



Appeared

For the Complainant- M/s. Ashoka Sambalpur Bargarh Tollway Ltd.
Represented by Subash Chandra Barik

For the Respondent – 1. EE(Elect), BED,Bargarh,TPWODL.
Represented by Sri Priyabrata Joshi, Jr Manager, Finance.
2.EE(Elect), BWED,Bargarh,TPWODL
Represented by Sri Jayanta Kumar Panigrahi, Dy. Manager,Finance

GRF Case No- BGH/105/2024

(1) M/s. Ashoka Sambalpur Bargarh Tollway Ltd.
At-Toll Plaza,Barhagoda
Dist- Bargarh,
ConsumerNo.- 512001110891,512001110908,512001110913,
512001110914,512001110916,512001110926,512001110927,
512001110928,512001110930,512001110957,512001110958,
512001070063,512001070064,512001070065,51200111042,
51200111046,51200111059, 515001110817, 515001110818,
515001110819, 515001110820, 515001110821, 515001110822,
515001110823, 515001110824 & 515001110825

COMPLAINANT

VRS

(1) EE (Elect.), BED,Bargarh, TPWODL
(2) EE(Elect),BWED,Bargarh,TPWODL

OPPOSITE PARTY

GIST OF THE CASE / PETITION FILED

The Complaint petition filed in the name of M/s. Ashoka Sambalpur Bargarh Tollway Ltd, At-Toll plaza,Barhagoda, represented by Subash Chandra Barik, objected about charging of energy bills underGeneral Purpose tariff Category of their Street light points instead of Public lighting category . In this context, the complainant submitted the following documents.

1. List of the 26 nos of consumer connections billed under General Purpose Category.
2. Bill copy of consumer No. 5120-0111-0908 for the month of Aug 24.
3. Copy of letter dt. 08.08.24 addressed to Project Director, NHAI, requesting for conversion of tariff category of the streetlight points.
4. Copy of letter addressed to EE,BED,Bargarh for conversion of tariff category vide letter no. 1060, dt. 13.08.24
5. Copy of circular of NHAI vide letter No. 42676, dt. 17.11.20, regarding charging of tariff equivalent to local municipal bodies for street lighting in projects by NHAI.
6. Copy of NHAI Policy guidelines with reference to tariff category for street light projects of NHAI vide policy circular No. 2.1.70/2024 dt. 25.01.2024.

Hence, the complainant prayed before the Forum to resolve the billing dispute duly considering the tariff category for billing as Public Lighting , which are being utilised for street lighting for the benefit of public at large.

The Case being admitted, notice was issued to both the parties to appear before the Forum on 04.10.2024 wherein, the complainant appeared before the Forum through its Authorized Signatory Sri Subash Chandra Barik and the representative of Opposite party No.-1, Sri Priyabrata Joshi, Jr. Manager, Finance and the representative of Opposite Prty No.-2 Sri Jayanta Kumar Panigrahi, Dy. Manager, Finance appeared before the Forum.



The case was heard at length. Upon hearing to the case, the complainant was asked to submit the following document.

1. proof of documents justifying the usage of power for Street Light Purpose
2. Copies of MOU/Agreement made between NHAI & M/s. Ashoka Sambalpur Tollway Ltd indicating the usage of power for Public purpose as street light points.

In this context, the complainant submitted a copy of Concession Agreement ,Annex-I, indicating Project Facilities for four Lanning with instruction for street lightening, a copy of letter from Sri Suresh Pujari, Ex Member of Parliament, Lok Sabha, Bargarh, Odisha, addressed to CGM,Regional Office, NHAI, vide letter No. MPO(LS)-BGH-2022/166, dt. 21.08.22 with an instruction for additional safety works , Street lighting etc.

Upon hearing to the case, both the Opposite parties were also asked to submit the written statements, Physical Verification Report against individual connections under respective jurisdictions of the Opposite Parties mentioning the purpose of Power Supply along with other details.

SUBMISSION OF OPPOSITE PARTY

In reply to the case, the Opposite Party No-1(Ee, BED,Bargarh, TPWODL), submitted the following case reply with the action taken report on the case matter of seventeen nos of connections (17 nos) pertaining to their jurisdiction that,

1. The consumer is of the view that, being the supply used for street light purpose, the tariff applicable should be Public Lighting instead of General purpose.
2. On verification of the relevant document, it was found that the consumer has executed the agreement in respect of the different street light points under BED, Bargarh with applicable tariff of General Purpose.
3. Later on the complainant submitted all relevant documents in support of justification of applicability of tariff category of Street Light instead of General Purpose.
4. After careful consideration , EE, BED,Bargarh has taken action for reclassification of category from existing General Purpose to Street Light and the same has been updated in billing database against 16 nos of consumers out of 17 nos.
5. In case of consumer bearing SC No. 5120-0111-0891 in the name of M/s Ashoka Sambalpur Bargarh Tollway Ltds, the load is 70KW and the supply is being utilised for both streetlight and office purpose. Therefore, the category of the same consumer can't be reclassified under


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Street light category. Further, the complainant also verbally agreed to continue the billing of the same consumer in the existing tariff.



In reply to the case, the Opposite Party No-2 (EE, BWED, Bargarh, TPWODL), submitted the written statement to the case along with the latest individual physical verification reports of seven nos of consumers out of nine consumers in total pertaining to the case matter under their area of operation. In reply to the case, the Opposite Party submitted that,

1. The complainant is availing power supply in General purpose Category tariff.
2. As per Clause No. 138 (c) of OERC Distribution (Conditions of Supply) Code, 2019, the definition of public light category relates to "Supply of power to the government, a local authority or any other public body for providing street lighting, for traffic signalling and for lightening of Public Park".
3. M/s. Ashoka Sambalpur Bargarh Tollway is utilising the power supply for the streetlight for his own business.
4. Therefore, the billing of M/s. Ashoka Sambalpur Bargarh Tollway Ltd is under General Purpose category instead of Public Lightening Category.

OBSERVATION / FINDINGS OF THE FORUM

The case is perused with all documents available on record and merit of the case. The complainant is an existing consumer of electricity under the operational area of TPWODL bearing Consumer Nos. 1) 512001110891, 2) 512001110908, 3) 512001110913, 4) 512001110914, 5) 512001110916, 6) 512001110926, 7) 512001110927, 8) 512001110928, 9) 512001110930, 10) 512001110957, 11) 512001110958, 12) 512001070063, 13) 512001070064, 14) 512001070065, 15) 512001111042, 16) 512001111046, 17) 512001111059, 18) 515001110817, 19) 515001110818, 20) 515001110819, 21) 515001110820, 22) 515001110821, 23) 515001110822, 24) 515001110823, 25) 515001110824 & 26) 515001110825, under Bargarh Electrical Division, Bargarh & Bargarh West Electrical Division, Bargarh.

The Forum on scrutinizing the records, statements available on record observed that, the Opposite Party No-1 (EE, BED, Bargarh) has already taken necessary action for reclassification of consumer tariff category from General Purpose (LT) to LT-Street light (Public Lighting) and the reclassified tariff has been already given effect and updated in billing database against the sixteen nos (16 nos) of consumers (bearing consumer Nos. 512001110908, 512001110913, 512001110914, 512001110916, 512001110926, 512001110927, 512001110928, 512001110930, 512001110957, 512001110958, 512001070063, 512001070064, 512001070065, 512001111042, 512001111046, 512001111059) in the name of M/s Ashoka Sambalpur Bargarh Toll Way Ltd except one consumer bearing SC No. 5120-0111-0891 with load of 70KVA in the name of M/s. Ashoka Sambalpur Bargarh Toll Way Ltd., as the Opposite Party No-1 has certified the usage of power for such connection as utilised both for office and streetlight purposes at the premises of Toll gate at Barhagoda, Bargarh. Since, the aforementioned connection is being utilized for both the above purposes, the Forum construed that, the petition filed by the complainant in this consumer case in particular can not be considered for reclassification/change of


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consumer tariff category. If the complainant desires to avail the power supply separately for Official establishment at Toll plaza, the complainant would be required to apply afresh separately before the Opposite Party No-1 in this regard, duly bifurcating the load arrangements for this usage out of the total load of 70KVA as contracted.

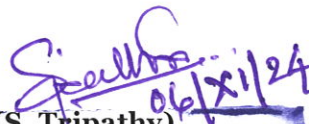


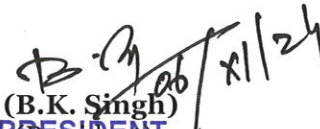
In the matter of nine nos. of consumer connections under the jurisdiction of the Opposite Part no.- 2, (EE,BWED,TPWODL,Bargarh), it was revealed from the records that, the purpose of power supply are being utilised for streetlight purposes(as evident from the latest Physical Verification Reports submitted) and all the nine consumer's connections (Consumer No. 515001110817, 515001110818, 515001110819, 515001110820, 515001110821, 515001110822, 515001110823, 515001110824 & 515001110825) have been already reclassified to LT-Streetlight (Public Lighting) tariff w.e.f 19.10.2024 from the previous agreed tariff of General Purpose (LT) and have been updated in billing database accordingly.

The Opposite Party No.-1 and Opposite Party No.-2 have acted upon the grievances raised by the complainant and the tariff category of all the Twenty Five complainant connections (25 nos) out of Twenty Six connections (26 nos) have been already reclassified to LT-Street Light (Public Lighting) tariff from General Purpose (LT) except the electrical connection bearing SC No. 5120-0111-0891 (Premises of Toll Gate,Barhagoda), as the power supply is being utilised both for office establishment and street lighting purposes.

Therefore, the complainant's grievance petition is hereby redressed accordingly with reasonable promptitude.

Hence, the instant case is hereby dismissed.


(S. Tripathy)
Member (Finance)
MEMBER
Grievance Redressal Forum
TPWODL, Bargarh-768028


(B.K. Singh)
President
PRESIDENT
Grievance Redressal Forum
TPWODL, Bargarh-768028

- Copy to:
1. M/s. Ashoka Sambalpur Bargarh Toll way Ltd, At-Toll Plaza,Barhagoda, Dist-Bargarh
 2. Sub-Divisional Officer (Elect.), Sohela/Bargarh-I/Atabira, TPWODL, with the direction to serve one copy of the order to the Complainant/Consumer.
 3. Executive Engineer (Elect.), BED, TPWODL, Bargarh.
 4. The Chief Legal-cum-Nodal Officer, TPWODL, Burla for information.

"If the complainant is aggrieved either by this order or due to non-implementation of the order of the Grievance Redressal Forum in time, he/she is at liberty to make representation to the Ombudsman-II, Qrs. No.3R-2(S), GRIDCO Colony, P.O:Bhoinagar, Bhubaneswar-751022 (Tel No. 0674-2543825 and Fax No. 0674-2546264) within 30 days from the date of this order of the Grievance Redressal Forums."

This Order can be accessed at TPWODL Website, Tpwesternodisha.com-Customer Zone-Grievance Redressal Forum-BGH-(GRF Case No . BGH 105 of 2024)