

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/ (Final Order)/

134⁴

Date: 05.11.2024

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

1	Case No.	BGH/114/2024			
2	Complainant/s	Name & Address		Consumer No	Contact No.
		Usta Dip At-Kuruan, Tora Dist- Bargarh.		5123-2213-0371	6372158086
3	Respondent/s	SDO(Elect), Bargarh-II, TPWODL			Division B.E.D, TPWODL, Bargarh
4	Date of Application	08.10.2024			
5	In the matter of-	1. Agreement/Termination	X	2. Billing Disputes	√
		3. Classification/Reclassification of Consumers	X	4. Contract Demand / Connected Load	X
		5. Disconnection / Reconnection of Supply	X	6. Installation of Equipment & apparatus of Consumer	X
		7. Interruptions	X	8. Metering	X
		9. New Connection	X	10. Quality of Supply & GSOP	X
		11. Security Deposit / Interest	X	12. Shifting of Service Connection & equipments	X
		13. Transfer of Consumer Ownership	X	14. Voltage Fluctuations	X
		15. Others (Specify) -X			
6	Section(s) of Electricity Act, 2003 involved				
7	OERC Regulation(s) with Clauses	1. OERC Distribution (Conditions of Supply) Code, 2019 √ 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	08.10.2024			
9	Date of Order	05.11.2024			
10	Order in favour of	Complainant	√	Respondent	Others
11	Details of Compensation awarded, if any.	NIL			

D.B.
PRESIDENT

Grievance Redressal Forum
TPWODL, Bargarh-768028

Place of Camp: Office of The Electrical Section Officer, Tora, TPWODL.

Appeared

For the Complainant- Usta Dip
Represented by Tikeru Suna



For the Respondent - SDO(Elect), Bargarh-II, TPWODL.

GRF Case No- BGH/114/2024

(1) Sri Usta Dip
At/PO-Kuruan
Via-Tora
Dist- Bargarh,
Consumer No.- 5123-2213-0371

COMPLAINANT

VRS

(1) SDO (Elect.), Bargarh-II, TPWODL

OPPOSITE PARTY

GIST OF THE CASE / PETITION FILED

The Complaint petition filed in the name of Usta Dip, At/PO-Kuruan, Tora, represented by Tikeru Suna, objected about monthly energy bills raised on General Purpose tariff since the date of power supply instead of domestic tariff as the supply is being utilized for domestic purpose. The Complainant prayed before the Forum to direct the Opposite Party to resolve the billing dispute accordingly.

SUBMISSION OF OPPOSITE PARTY

The Opposite Party submitted the Physical Verification Report dt. 24.10.2024, ledger abstract of the complainant from Jan 14 to Sep 24 and the written submission to the case. In reply to the case the Opposite Party submitted that, the energy bill of the complainant was charged on actual basis from Jan 14 to Aug 17. Thereafter, the energy bills are being raised on Average/Provisional basis from Dec 18 to till date. As per the physical Verification Report of AOC, Tora, the complainant is utilising the power supply for Domestic purpose since 26.01.2014, but the energy bills are being raised on General Purpose category. Therefore, the Opposite Party urged before the Forum to issue necessary order as deemed fit.

OBSERVATION / FINDINGS OF THE FORUM

The case is perused with all documents available in record and merit of the case. The complainant is an existing consumer of electricity under the operational area of TPWODL bearing Consumer No-5123-2213-0371, having CD-01KW, under LT-General Purpose category, under ESO, Tora. The initial date of power supply to the complainant was effected on 26.01.2014. From the ledger abstract it was observed that, the energy bills were generated on actual basis from Jan 14 to Aug 17. Thereafter, from Oct 17 to till date the energy bills are being raised on Provisional/Average basis.

The complainant in his petition averred that, the supply is being used for domestic purpose, but the energy bills are being raised on General Purpose tariff from the date of supply to till date. However, the complainant couldn't produce any documentary evidence and, or, any proof of application made earlier to the Opposite Party to substantiate the case.



Regulation-43 of OERC Distribution (Conditions of Supply) Code 2019, states that *"If a consumer wishes to change his consumer category, he shall submit an application form to the licensee/supplier in the format. The licensee/supplier shall process the application form in accordance with the Regulation 21 of this Code. For site inspection and issuance & payment of demand note for the estimated cost of works, both the licensee/supplier and applicant shall follow the procedure and timelines as per provisions laid down in this Code. The licensee/supplier shall also note down the meter reading at the time of inspection. If on inspection, the consumer's request for reclassification is found valid, change of category shall be effective from the date of inspection and a written acknowledgment shall be sent to the consumer. Within thirty (30) days from the date of acceptance of application from the consumer, the licensee/supplier shall effect change of consumer category. Provided that if the licensee/supplier does not find the request for reclassification valid, it shall inform the applicant in writing, giving reason(s) for the same, within 10 days from date of inspection. For the period in which the consumer's application for reclassification is pending, the consumer shall not be liable for any action on grounds of unauthorized use of electricity, to the extent the electricity is utilized in the manner applicable to the reclassified category for which the application has been made. In such case the effective date of change of classification shall be reckoned from the 1st day of the month following the month in which the application is complete in all respect was received by the licensee/supplier. Provided further, no consumer will be permitted to change the category of the service connection from any low-tension category (other than agriculture) to low-tension category for agriculture"*.

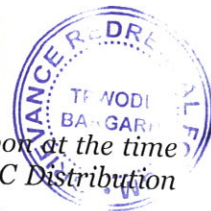
In this instant case, neither the complainant nor the Opposite party has submitted any proof of document submitted earlier by the complainant for reclassification of category. If the usage of power under Domestic Purpose were to be from 26.01.2014, then, what restricted the Opposite Party to convert the tariff category from General Purpose (LT) to Domestic from such date (as per written statement filed by the Opposite Party) and why no tariff category has been changed even after a lapse of ten years or so. Hence, mere declaration of Opposite Party regarding utilization of Power Supply under Domestic Purpose instead of General Purpose with effect from 26.01.2014 is not conclusive in nature and therefore, not accepted at all. However, the Physical Verification Report dt. 24.10.24 confirmed the supply being utilized for domestic purpose. From the ledger abstract, the Forum observed that energy bills are being raised on Provision/Average basis since long period from Oct 17 to the last bill. The Physical Verification Report dt. 24.10.24 also revealed that, the existing meter bearing SL No. "WES19353" was found defective.

Hence, after scrutiny of the documents submitted by the Opposite Party, the Forum is of the considered opinion that, the complainant's tariff category is to be reclassified to Domestic tariff with effect from the date of inspection, i.e 24.10.2024 prospectively, observing due official formalities. Further, the Opposite Party is required to install a new tested meter in the complainant's premises and revise the previously charged Average/Provisional bills on the basis of actual monthly average consumption to be recorded in the new meter to be installed.

The certification of ESO (Elect), Tora regarding Domestic usage of supply from dt.26.10.24 is not based on proper record. However, it may be implemented internally after proper verification by higher authority.


ORDER


Considering the documents and statements submitted by both the parties and agreed upon at the time of hearing, the Forum hereby passes orders in consonance with regulations of the OERC Distribution (Conditions of Supply) Code 2019.



- 1) The Opposite Party is directed to reclassify the complainant's category to Domestic tariff prospectively from 24.10.2024, on the basis of the Physical Verification Report dt. 24.10.2024, with due observations of official formalities and in accordance with regulatory provisions of OERC Distribution (Conditions of Supply) Code, 2019.
 - 2) The Opposite Party is directed to install one new tested meter in the complainant's premises immediately, replacing the old defective meter bearing Sl No. "WES19353".
 - 3) The Opposite Party is directed to revise the Provisional/Average bills charged upto and including two years prior to the installation of the new meter to be installed, to be revised as per Regulation 155 of OERC Distribution (Conditions of Supply) Code, 2019, taking into account the applicable tariff category as General Purpose (LT) upto dt. 23.10.2024 and as under Domestic tariff with effect from dt. 24.10.2024 onwards, duly adjusting the payment made by the complainant, any adjustment of bill revision made earlier and or the benefit arising out of OTS scheme, if any.
 - 4) The Opposite Party is advised to serve the revised energy charges bill with revised due date within 30 days from the receipt of this Order, upon revision of previous bills, if any, to which the consumer is liable to pay.
 - 5) The Complainant is directed to pay the revised billed amount so arrived, if any, within due date after receipt of the revised energy charges bill, to which the complainant is liable to pay.
- The Opposite party is directed to submit the compliance report to this Forum within one month from the date of issue of this order.**

Accordingly, the case is disposed of.


(MEMBER)
Member (Finance)
Grievance Redressal Forum
Copy to: **TPWODL, Bargarh-768028**


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

1. Usta Dip, At/Po-Kuruan, Via-Tora, Dist-Bargarh, Mob-6372158086
2. Sub-Divisional Officer (Elect.), Bargarh-II, 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 114 of 2024)