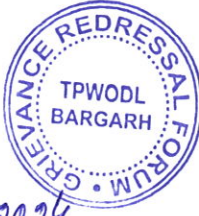


Grievance Redressal Forum
TPWODL, BARGARH
 First Floor, Raymond Building, Bandutikra Chowk,
 Bargarh, Pin- 768028
 Email: grf.bargarh@tpwesternodisha.com, Ph No.06646-230135
Bench: Sri B.K Singh (President) and Sri S. Tripathy, Member (Finance)

Ref: GRF/Bargarh/Div/BED/ (Final Order)/ 98⁽⁴⁾

Date: 22.07.2024

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

1	Case No.	BGH/83/2024			
2	Complainant/s	Name & Address	Consumer No	Contact No.	
		Prafulla Meher At-Banjipali, Chichinda, Bheden Dist-Bargarh	5125-2211-0219	9938949768	
3	Respondent/s	SDO (Electrical), Bheden, TPWODL	Division B.E.D, TPWODL, Bargarh		
4	Date of Application	11.06.24			
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	11.06.24			
9	Date of Order	22.07.2024			
10	Order in favour of	Complainant	√	Respondent	Others
11	Details of Compensation awarded, if any.	NIL			

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



Place of Camp: Office of Electrical Section Officer, Thuapali, TPWODL

Appeared

For the Complainant- Prafulla Meher
Represented by Pramod Meher

For the Respondent - SDO (Elect.), Bheden, TPWODL.

GRF Case No- BGH/83/2024

(1) Prafulla Meher
At-Banjipali, Chichinda, Bheden
Dist- Bargarh.
Consumer No.- 5125-2211-0219

COMPLAINANT

VRS

(1) SDO(Elect.) Bheden, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed in the name of Prafulla Meher, At- Banjipali, Chichinda, Bheden, represented by Pramod Meher, objected that the power supply was used by the complainant for General Purpose since the date of supply for running a Mudhi Mill. But as the Mudhi Mill was closed, the power supply is being used for Domestic purpose since last three years. The billing dispute of the complainant has not been resolved, though several verbal complaints had been made by the complainant before the Electrical Section Officer, Thuapali. Hence, the Complainant prayed before the Forum to direct the Opposite Party to resolve the billing dispute by way of reclassification of category and revising the previous bills accordingly.

SUBMISSION OF OPPOSITE PARTY

The Opposite Party submitted the ledger copies from Mar 01 to May 24, Physical Verification Report (PVR) dtd.11.06.2024 and a written statement on this case. In reply to this case, the Opposite Party submitted that, during the physical verification, it was found that, the complainant is using the power supply for Domestic purpose. But the energy bills are being raised on General Purpose Category. As per the Physical Verification Report, Meter Sl No. "TWST1726464" is installed in the complainant's premises and the CMR is "477" KWH unit as on 11.06.2024. The Opposite Party urged before the Forum to issue necessary order for reclassification of the category of the complainant.

OBSERVATION

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-5125-2211-0219 having CD-1kw, under LT-General purpose category. The initial date of power supply to the complainant was on 01.01.1990. The billing database revealed that, the energy bills are being raised in General Purpose category tariff since the date of supply till the last billing.

The complainant claims regarding the usage of power supply for domestic purpose instead of General purpose since last three years as his Mudhi Mill was closed. But the complainant couldn't produce any proof of application made earlier to the Opposite Party regarding the change of consumer category. The Opposite Party also couldn't submit any earlier application made with regard to change of tariff from general purpose to domestic category.

B.G.

Regulation 43 of OERC Distribution (Conditions of Supply) Code 2019, clearly defines that, "if a consumer wishes to change his consumer category, he shall submit an application form to the licensee/supplier in the format given as specified in this Code. 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". The instant case has no records submitted from either of the parties regarding application for change of consumer category. As per the certification made by the ESO-Thuapali, in the physical verification report (PVR) dated 11.06.2024, the complainant consumer has been using the power supply for domestic purpose. The Opposite Party could not produce any documents to the Forum, regarding previous action taken to reclassify the consumer category.

Regulation-140 of OERC Distribution (Conditions of Supply) Code 2019, clarifies the fact that, "if it is found that a consumer has been classified in a particular category erroneously or the purpose of supply as mentioned in the agreement has changed or the consumption of power has exceeded the limit of that category or any order of reduction or enhancement of contract demand has been obtained, the engineer may reclassify him under appropriate category after issuing notice to him to execute a fresh agreement on the basis of the altered classification or modified contract demand. For this purpose, the consumer shall be duly given a 15 days notice period to file objections, if any on the notice. The licensee/supplier after due consideration of the consumer's reply, if any, may alter the classification within 30 days thereafter through passing of necessary order and issuing letter, notice to that effect. Provided that, if the consumer does not take steps within the time indicated in the notice to execute the fresh agreement, the engineer may, after issuing a clear fifteen days show cause notice and after considering his explanation, if any, may disconnect the supply of power observing due formalities as per law".

In this instant case, the Physical Verification Report drawn on 11.06.2024 certified the purpose of supply being domestic. Hence in absence of any previous application submitted by the complainant for reclassification of category, the Forum construed that, the complainant consumer's tariff may be reclassified to Domestic tariff from the date of present physical Verification made by the ESO, Thuapali i.e 11.06.2024 observing due official formalities.

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 11.06.2024, on the basis of certification made in physical verification report dt. 11.06.2024, 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 advised to reassess the energy bills already raised for the period of dispute as per the petition filed by the complainant, observing due official formalities and in consonance with Regulations framed by Hon'ble OERC under OERC Distribution (Conditions of Supply) Code 2019, after due adjustment of bill revision made earlier and or, the benefit arising out of OTS scheme, if any.
- 3) 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.
- 4) 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.


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


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

- Copy to:** - (1) Sri Prafulla Meher, Banjipali, Chichinda, Bheden, Dist-Bargarh, Mob-9938949768.
(2) Sub-Divisional Officer (Elect.), Bheden, 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 on OERC website, www.orierc.org under the "head "Cases->"GRF".