

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)/ 116⁽⁶⁾

Date: 04.09.2024

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

1	Case No.	BGH/86/2024			
2	Complainant/s	Name & Address		Consumer No	Contact No.
		Sourav Bhoi At-Pradhanpali, Dist-Bargarh		5120-0111-1654	7978884045
3	Respondent/s	EE(Elect), BED,Bargarh , TPWODL		Division B.E.D, TPWODL, Bargarh	
4	Date of Application	24.06.2024			
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	16.07.2024			
9	Date of Order	04.09.2024			
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- Sourav Bhoi

For the Respondent - EE(Elect), BED, Bargarh.

Represented by Sri Priyabrata joshi, Jr. Manager, (F&C), BED,
Bargarh,TPWODL



GRF Case No- BGH/86/2024

(1) Sourav Bhoi

At-Pradhanpali

Dist- Bargarh,

Consumer No.- 5120-0111-1654

COMPLAINANT

VRS

(1) EE (Elect), BED, Bargarh, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed by Sri Sourav Bhoi, At-Pradhanpali,PO-Jamurda Bargarh, , objected about wrong generation of monthly energy bills under General purpose Tariff instead of Irrigation Pumping and Agriculture tariff category for his Lift irrigation Point from the date of supply, i.e Jan 2021 till date. Soon after knowing the error/mistake, the complainant applied for reclassification for his consumer category on repeated attempts on 31.01.2023,01.07.2023 and 16.11.2023 requesting for reclassification/conversion of power supply tariff from General Purpose (LI) to Irrigation Pumping and Agriculture Category. But, the same grievance has not been redressed till date. The complainant also submitted that on 28.05.2024, the power supply to his premises was disconnected due to accumulation of arrears and has accordingly paid the first installment towards installment payment of arrears in three phases. In this context, the complainant submitted the copies of Physical Verification report dt. 31.07.2023, a copy of completion certificate, permission letter for power supply to 5KW General purpose load vide letter No. 2473(4), dt. 28.04.2021 and a copy of revalidated permission letter for power supply of 5 KW load under General Purpose Category vide letter No. 5296(4), dt. 26.11.2021, initial estimation copy for LT extension & service connection under deposit work with copy of money receipt dt. 30.11.2021 having initial Security deposit amount of Rs. 16, 136/- and estimation amount of Rs. 17,933/-, a copy of letter addressed to SDO, Bargarh-II, from the office of the Executive Engineer (Elect), BED, Bargarh vide Letter No. 210(3), dt. 20.01.2022, directing for inspection at site for new electrical installation of the complainant, a copy of check list mentioning purpose of supply in General Purpose and the copies of customer care complaints registered on 17.11.2023 and 02.12.2023.

Hence, the complainant prayed before the Forum to direct the Opposite Party to reclassify the consumer category from General Purpose to Irrigation Pumping and Agriculture Category and redress the long pending grievances in an efficacious manner.

SUBMISSION OF OPPOSITE PARTY

The Opposite Party submitted the Physical Verification Report dt. 02.07.2024, initial power supply permission letter dt. 28.04.2021, copies power supply agreement dt. 18.01.2022 executed between the complainant and the Opposite Party, initial Estimate copy, Money Receipt for Security Deposit and Estimate amount deposited and the written submission to this case. In reply to the case the Opposite

Party submitted that, the complainant had initially applied for power supply in General Purpose Category. After due observation of all official formalities the power supply was released and the energy bill was raised with applicable tariff of General Purpose since the date of supply i.e 25.01.2021. Further after verification and on the strength of the application of the consumer dt. 01.07.2023 and consequent payment made by the consumer, the process of conversion from General Purpose to Irrigation Pumping and Agriculture Category was initiated. But, the same process could not be completed in due time. Later, the complainant applied for necessary conversion of tariff, which was processed through the Customer Care. Due to restriction of conversion of tariff category as per Regulation read as "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" the application for change of category has been rejected. Hence, the Opposite party urged before the Forum to issue order as deemed fit.

OBSERVATION

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 No-5120-0111-1654, having CD-05 KW, under LT-General Purpose category, under ESO Barhagoda. On examining the case in detail, the Forum observed that, the complainant had applied for power supply in General purpose Category and as per the application, power supply for 05 KW General purpose Load was extended to the complainant's premises and the initial date of power supply to the complainant's premises was effected on 25.01.2021. As the complainant was not aware of the category of utilisation and applied for General Purpose instead of Agricultural Purpose (Lift Irrigation), soon after knowing the situation, he had applied for reclassification of category before the EE,BED,Bargarh on dt. 31.01.2023 and 01.07.2023. Of late on dt. 31.07.2023, The SDO, Barhaguda has verified the premises of the complainant and admitted the power supply is for Irrigation Pumping And Agriculture Activity. But thereafter, the Opposite Party remained silent and did not take any suitable step to resolve the issues as per rules.

The grievance petition filed in this case relates to misclassification of consumer category under General purpose tariff instead of Irrigation Pumping and Agriculture tariff category and the subsequent billing generated from the date of supply (i.e from 25.01.2021) till date under the wrong billing tariff specified as per agreement executed. It is apparent from the reports, statements that, the application of power supply and the various stages of processing for effecting new power supply (that involves permission letter, initial estimation framed, completion certificate & the inspection and testing of electrical connections , among others) and the power supply agreement executed on 18.01.2022 (as per Regulation 48 of OERC distribution (Conditions of Supply) Code, 2019, between the parties concerned is believed to have known & understood the facts stated in the agreement, duly signed and agreed between the parties with relation to consumer tariff category for billing in particular. However, on knowing the error at later stage by the complaint regarding misclassification of consumer category, several attempts were made in earlier occasions requesting to reclassify the tariff category but no action has been taken till date. The Forum condemns such inaction and non correspondence delaying on one pretext or other and warns to maintain quality of work, effect proactive measures to avoid such incidences in future and enhance the commitment to the responsibilities that the Licensee has to carry out.

The Physical Verification Report made by the Opposite Party on dt. 31.07.2023 & dt. 02.07.2024, clarified that usage of power is meant for the purpose of agricultural activities having 2HP water motor as the major load out of total connected load of CD 1.51KW and there has been no existance of General Purpose usage as observed. It was revealed from the records that another single phase domestic line is existing in the premises, available for separate domestic usage. The Opposite Party was asked to submit the copies of initial application for power supply made before the Licensee by the complainant , but the Opposite Party couldn't submit the same after giving reasonable time to furnish. However, the Opposite Party in their reply submission, confirmed about the initial application for power supply made for General purpose Category.

The Forum astounded to note that no effective steps were taken by either of the parties in between the various stages of application processing till the agreement stage to avoid any of such mistake occurred. Reclassification of the consumer category could have been explored by the Opposite Party as per Regulation 140 of OERC Distribution (Conditions of Supply) Code,2019.

The role of the Licensee is widespread and crucial in educating the consumer/applicant about the service conditions , maintaining transparency under the broad ambit of regulatory provisions framed by the Hon'ble commission. In this case, the Opposite Party could have guided the applicant in deciding the appropriate tariff category. Moreover, it is the responsibility on the part of the Opposite Party to cross-check, verify the purpose of supply initially applied for and suggest for necessary modifications required if any deviations found in application with respect to the field verification done (Regulation 21(V)(c) of OERC Distribution (Conditions of Supply), Code. The level of diligence and dexterity expected in execution of duties has not been met by the Opposite Party in this case, that affects efficiency of customer satisfaction and overall productivity of operations of the Licensee and urge to take appropriate measures to combat the hindrances occurred.

There were instances in this case wherein the Customer Care Centre had been approached by the complainant time and again, but no effective & timely communication was made towards the acceptance/rejection of complaints made, which has caused inconvenience and disruption to the consumer. The very purpose & efficacy of customer care centre would be undermined and can hinder the ability of such centres that primarily caters to the consumer service and satisfaction. Addressing these issues involves training, improving system and ensuring the centre is wel-resourced and connected to various departments of the Licensee to meet customer needs in time bound manner with appropriate communication channel.

Referring to the Regulation 42 & 43 of OERC Distribution (Conditions of Supply) Code, 2019, the Licensee is to complete the process of reclassification within 30 days after receiving the application and communication has to be given to the consumer within 10 days if reclassification is not valid.

The Opposite Party did not complete the process of reclassification till date. And, the Physical Verification Report dt. 31.07.23 & dt. 02.07.24 clarified that, the usage of power is for the purpose of

Agricultural activities having 2HP water motor as the major load out of the total load of CD 1.51KW. Hence, the Forum is of the construed opinion that, the category of the complainant should be billed in Irrigation Pumping and Agriculture Category since 01.02.2023 as the date of application of the complainant for reclassification of category was 31.01.2023.



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 complete the process for billing in Irrigation Pumping & Agriculture Activities within Ten days of issue of this order.
- 2) The Opposite Party is directed to bill the complainant's Energy Charges in Irrigation Pumping and Agricultural Activities category with effect from Feb 2023 .
- 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.

I, Disagree.
(S. Tripathy)
Member (Finance)

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

Dissenting Notes

The grievance petition filed in this case relates to misclassification of consumer category under General purpose tariff instead of Irrigation Pumping and Agriculture tariff category and the subsequent billing generated from the date of supply (i.e from 25.01.2021) till date under the wrong billing tariff specified as per agreement executed. It is apparent from the reports, statements that, the application of power supply and the various stages of processing for effecting new power supply (that involves permission letter, initial estimation framed, completion certificate & the inspection and testing of electrical connections , among others) and the power supply agreement executed on 18.01.2022 (as per Regulation 48 of OERC distribution (Conditions of Supply) Code, 2019, between the parties concerned is believed to have known & understood the facts stated in the agreement, duly signed and agreed between the parties with relation to consumer tariff category for billing in particular.

It is imperative to mention here that, as per Regulation 12(b) & 138(e) of OERC Distribution (Conditions of Supply) Code,2019, any applicant who applies for usage of power under Irrigation Pumping and Agriculture (IPA Category) is required to submit before the Licensee the necessary certificate from competent Govt. Authority (apart from others document required) for Lifting of Water from tube wells/bore wells/wells/streams/rivulets/rivers exclusively for Agricultural uses and an undertaking for use of such supply for agricultural purpose only. Hence, precluding the facts as stated



above, the existing agreement executed and agreed upon by the parties for usage of power supply under General Purpose tariff can not be processed for amendment under Irrigation Pumping and Agriculture category in particular, in the absence of such documents that could have been applied/ submitted before the Opposite Party initially.

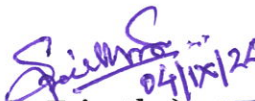
There are specific restrictions stipulated in Regulation 43 of OERC Distribution (Conditions of Supply) Code, 2019, clarifying that “no consumer will be permitted to change the category of the service connection from any low tension category (other than Agriculture) to low tension category for Agriculture”. Hence, the conversion of tariff category of the complainant in this instant case from General Purpose (LI) to Irrigation Pumping and Agriculture category is not permitted and is abided by the regulations framed.

Therefore, after examining the records available & submission made by both the parties and taking into account the Regulatory Provisions like, Regulation 43 of OERC Distribution (Conditions of Supply) Code, 2019, that, in my considered opinion, the averments & prayer made by the complainant for change of consumer category and revision of previous energy bills charged and direction issued as per above order, considering Irrigation Pumping and Agriculture tariff instead of General Purpose Tariff already charged is not justified and not permitted as per above mentioned regulations stipulated.

However, the complainant may initiate his intension to fore-close/terminate the agreement with the payment of the requisite dues as per terms and conditions of the current agreement in force and the Opposite Party to extend necessary support/guidance in resolving the case in an efficacious manner. In the event, if the complainant initiates such termination process against the existing connection, he would have to approach the Opposite Party with an application afresh for new power supply to his premises with an intent to utilize power under Irrigation Pumping and Agriculture Category with necessary supporting documents, if the complainant so desires.

For that reason, I disagree with the opinion stated above by the President, CGRF, Bargarh.

Hence, the difference of opinion.


(S. Tripathy)

Member (Finance)

Grievance Redressal Forum
TPWODL, Bargarh-768028

Copy to: -

1. Sourav Bhoi, At-Pradhanpali, Bargarh, Mob-7978884045.
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 on OERC website, www.orierc.org under the “head “Cases->”GRF”.