

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/BWED/ (Final Order)/ 42¹⁴²

Date: 22.02.24

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

1	Case No.	BGH/05/2023			
2	Complainant/s	Name & Address		Consumer No	Contact No.
		Jaganath Naik At-Areigudi, Bheden Dist-Bargarh		5151-0218-0007	9556925017
3	Respondent/s	SDO (Electrical), Barpali, TPWODL			Division B.W.E.D, TPWODL, Bargarh
4	Date of Application	14.12.23			
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, clause no. 43,140 √			
		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	14.12.23			
9	Date of Order	22.02.2024			
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: Sub-Division Office, TPWODL, Barpali.

Appeared

For the Complainant- Jaganath Naik
Represented by Mahendra Naik

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

GRF Case No- BGH/05/2023

(1) Jaganath Naik
At-Areigudi, Bheden
Dist- Bargarh.
Consumer No.- 5151-0218-0007

COMPLAINANT

VRS

(1) SDO(Elect.) Barpali, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed in the name of Jagannath Nayak, at-Areigudi, Barpali, represented by Mahendra Naik, objected about the average energy bills charged from the year 1984 to the year 2023 & also disputed about wrong charging bills under general purpose tariff instead of domestic tariff during the afore mentioned period. In this context, the complainant did not submit any further documents to substantiate his grievance petition. The Complainant prayed before the Forum to direct the Opposite Party to resolve the billing dispute by way of revising the previous bills accordingly.

SUBMISSION OF OPPOSITE PARTY

The case being registered, Opposite Party was asked to submit the following documents in connection to case as objected by the complainant.

- i) The purpose/nature of power supply utilized i.e. for Dom/G.P. usage and the period of such usage.
- ii) Copy of earlier application received regarding re-classification of consumer category, if any.

The Opposite Party submitted the ledger copies from Feb-2021 to November-2023, Physical Verification Report (PVR) dtd.19.12.2023 and a written statement on this case for kind perusal of the Forum. In reply to this case, the Opposite Party submitted that, the consumer has been using power supply for domestic purpose since last six years as per ESO-II, Barpali report. Further, the O.P. submitted that there was no application received earlier regarding re-classification of consumer category but had requested verbally to change the tariff at the time of visiting his village. The O.P. submitted a fresh physical verification report in which it was noted that existing meter having meter serial No- "TWNX512981" is physically existing in the complainants premise, installed on 08.12.2023 & meter status found "OK". Hence, the Opposite party urged before the Forum to issue necessary orders to revise the previous average/provisional bills charged, considering the tariff to be domestic from June-2017 onwards.



PRESIDENT

**Grievance Redressal Forum
TPWODL, Bargarh-768028**



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-515102180007 having CD-1kw, under LT-General purpose category. On examining the case in detail, the Forum observed that opening balance as on Feb-2001 billing was "zero". Actual bills were raised from Feb-2001 till April-2004, considering the consumption recorded in the meter serial No "WESCO248464". And, then actual bills were charged from May-2004 to Aug-2007 taking the consumption recorded in the meter no. "1826777". Thereafter, average bills were charged continuously from December-2007 to July-2013. A new meter was installed and updated in billing during September-2013 with meter serial No. "8140416" & actual/provisional bills were raised intermittently upto May-2016. The last actual bill raised was during May-2016. Average bills were again raised continuously from June-2016 to November-2023. The physical verification report dtd. 19.12.2023 revealed that a new meter was installed in the complainants premise on 08.12.2023 with meter serial No. "TWNX512981" with meter status found "OK" & advanced reading recorded as kwh-"000030". The FG billing database (Licensees soft. records) indicated that there has been no Tariff change details whatsoever updated in billing as on date & the consumer is being billed under general purpose tariff. As per the records sought from the opposite party regarding any earlier application with regard to change of tariff from general purpose to domestic category, the O.P. clarified that no such application was received in earlier occasions. Whereas, it was the duty of the Opposite Party to guide the complainant regarding procedures of tariff change while received the verbal approach.

In the instant case, it is surprised that the Opposite Party has allowed the consumer to continue with defective meter for more than six years. For such delay in installation of new meter, average billing has been done which could have been avoided if the Opposite Party had installed the meter without delay. Therefore, it is advised to the Opposite Party for such issues to be taken care of in future.

The complainants claim regarding the usage of power supply for domestic purpose instead of General purpose since the year 1983 till date, is not supported with any proof of application made earlier to the Opposite Party regarding the change of consumer category. On the other hand, as per the records sought from the Opposite Party regarding any earlier application made with regard to change of tariff from general purpose to domestic category, the O.P. clarified that no such application was received in earlier occasions.

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. Since the instant case has no records submitted



from either of the parties regarding application for change of consumer category, the complainant's averments & prayer made regarding reclassification of consumer category since the year 1983, has no locus standi & cannot be considered. As per the certification made by the ESO-No-II, Barpali, in the physical verification report(PVR) dated 19.12.2023, that the complainant consumer has been using the power supply for domestic purpose since the date of his joining on 17.06.2017, at No-II, Section, Barpali, albeit at later stage, is not certified by the SDO(Elect.), Barpali. The Opposite Party could not produce any documents to the Forum, regarding previous action taken to reclassify the consumer category & the PVR drawn on 17.06.2017, if any, is also not submitted in this regard. But, the Physical Verification Report dt. 19.12.2023 of ESO No. , Barpali, ascertained the utilization of power supply as Domestic usage.

Regulation-140 of OERC Distribution (Conditions of Supply) Code 2019, clarifies the fact that, incase 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. Hence, the reports submitted by the ESO-No-II, under Barpali Sub-Div. is not based on record & without any basis and did not follow Regulation-140 of OERC Distribution (Conditions of Supply) Code 2019 as stated above.

However, the PVR drawn on 19.12.2023 certified the purpose of supply being domestic is to be considered as domestic purpose prospectively & the complainant's tariff may be reclassified 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 with prospective effect, on the basis of certification made in physical verification report dt. 19.12.2023, 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 directed to update the current meter installation status into billing database without delay, if not done already.
- 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.

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
Grievance Redressal Forum
TPWODL, Bargarh-768028


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

- Copy to:** - (1) Sri Jaganath Naik, At-Areigudi, Bheden, Dist-Bargarh, Mob: 9556925017
(2) Sub-Divisional Officer (Elect.), Barpali, TPWODL, Barpali with the direction to serve one copy of the order to the Complainant/Consumer.
(3) Executive Engineer (Elect.), BWED, 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.orerc.org under the "head "Cases->"GRF".