

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)



Date: 20.02.2024

Ref: GRF/Bargarh/Div/BWED/ (Final Order)/ 40(4)

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

1	Case No.	BGH/07/2024			
2	Complainant/s	Name & Address K.G.B.V Hostel At-Mandosil, Paikmal Dist-Bargarh	Consumer No 5154-1102-0397	Contact No. 9937768593	
3	Respondent/s	SDO(Elect), Paikmal, TPWODL		Division B.W.E.D, TPWODL, Bargarh	
4	Date of Application	05.01.24			
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
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	05.01.2024			
9	Date of Order	20.02.2024			
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: Office of The Sub Divisional Officer, Paikmal, TPWODL.

Appeared

For the Complainant- K.G.B.V Hostel
Represented by Prabhat Kumar Mishra, Head Master Cum Secretary, KGBV,
Mandosil

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

GRF Case No- BGH/07/2024

(1) K.G.B.V Hostel
At-Mandosil, Paikmal
Dist- Bargarh
Consumer No.- 5154-1102-0397

COMPLAINANT

VRS

(1) SDO(Elect), Paikmal, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed in the name of K.G.B.V Hostel, At-Mandosil, Paikmal, represented by Prabhat Kumar Mishra, Head Master Cum Secretary, KGBV, Mandosil, objected about bills charged during covid period i.e from Mar 2020 to Nov 2021. The Petitioner also objected about wrong bills being raised under General Purpose Tariff till date, even though the Hostel is managed and run by the School & Mass Education Department, Govt of Odisha. In this context, the complainant submitted a copy of letter addressed to ESO, Paikmal, regarding conversion of consumer category and revision of earlier bills. Hence, the complainant prayed before the Forum for an efficacious remedy.

SUBMISSION OF OPPOSITE PARTY

The Opposite Party has submitted the Physical Verification Report dt. 05.01.2024, Ledger detail from Jan 2010 to Nov 2023, Meter photocopy of Meter bearing Sl No. "WHL040733" and the written Submission. In reply to this case, the opposite party mentioned that the initial date of power supply to the complainant was on 18.09.2009. The energy bills were raised on actual basis till Aug 2013. Thereafter from Sep 2013 to Sep 2021 bills were raised on Provisional/Average basis. The defective meter bearing Sl No. 929534 was replaced by a new meter bearing Sl No. "WHL040733" on dt. 01.10.2021 and thereafter, actual bills are being raised. The opposite party urged before the Forum to issue necessary orders for withdrawal of provisional bills raised during the covid period as the school was closed at that time.

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- 5154-1102-0397, having CD-1KW, under LT-General Purpose category, under ESO, Paikmal. The date of initial power supply to the complainant was on 18.09.2009. In reference to the complaint made in camp court held at SDO (Elect), Paikmal dt. 05.01.2024 & the case being registered vide court case No. BGH/07/2024, notice was issued to the complainant regarding submission of further document as ; Notifications regarding closure of Schools/Hostels during Covid Period, from the School & Mass

B. M. V.

PRESIDENT

Grievance Redressal Forum
TPWODL, Bargarh-768028

Education Department, Govt of Odisha/Block Education Officer, Paikmal/District Education Officer, Bargarh/District Administration, Bargarh & Declaration of List of Quarantine Centres notified by District Education Officer, Bargarh/ District Administration, Bargarh. It was also asked to submit a certificate from the BEO, Paikmal/DEO Bargarh or District Authority or by the Head of the KGBV Hostel, regarding no usage of such premises as Quarantine Centres. But inspite of repeated reminders to furnish above documents to substantiate the claim further, the complainant couldn't submit the above records, circulars, certificates etc. as asked for.

On scrutinizing the records, it was observed that average bills were continuously raised from Sept 2013 to Sept 2021. A new meter bearing Sl No. "WHLO40733" was installed on 21.10.2021 and actual bills were charged thereafter. The ledger abstract revealed that an upward assessment was done by the Opposite Party revising the defective period billing raised from Oct 2019 to Sept 2021 and an amount of Rs. 76,834.40 was charged during Apr 2023 billing.

The point in question here is to ascertain the period of covid Pandemic in which the Hostel premises remained unused and also the Quarantine centres declared to the Hostel, if any, to ascertain the occupancy of the Hostel during such Covid Period in order to facilitate the patients to accommodate & treatment thereon. The complainant could not furnish the detailed records justifying the non occupancy period of the premises. However, it is a matter of fact that, by and large all the State Govt Schools/Colleges, Hostels attached to schools, Private Schools/Colleges etc were allowed to close during different period of times to contain the spread of viruses evolved as per the directives issued from time to time by the Central/State Government. However, in the absence of such records certifications from concerned authorities, the Forum is at constraint to issue necessary orders in this regard.

The petitioners claim regarding wrong billing raised from the date of supply till date under General Purpose tariff instead of Public institution Tariff is not accompanied by any proof of documents submitted necessitating the purpose of supply of power as public purpose usage.

Regulation 43 of OERC Distribution (Conditions of Supply) Code 2019 clearly defines "If a consumer wishes to change his consumer category, he shall submit an application form to the licensee/supplier. 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




Furthermore, Regulation 140 of OERC Distribution (Conditions of Supply) Code 2019 depicts the process in which "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."


The Forum construed that the opposite party has not acted upon the application made earlier by the complainant & did not make necessary tariff change in billing if the consumer is eligible to be reclassified under P.I tariff. The Opposite party is required to follow Regulation 140 of OERC Distribution (Conditions of Supply) Code 2019 as stated above and do needful action in this regard.

Hence, in the absence of proper records, circulars, statements, certificates, the Forum is at constraint to pass orders for necessary redressal of the grievances at this time.

However, the complainant is at liberty to file the petition afresh with necessary supplementary documents to the Forum for proper adjudication and order thereof.

Hence the instant case is hereby dropped.


(S. Tripathy)
19/12/24
MEMBER
Grievance Redressal Forum
TPWODL, Bargarh-768028


(B.K. Singh)
17/12/24
PRESIDENT
Grievance Redressal Forum
TPWODL, Bargarh-768028

Copy to:-

1. The Head Master Cum Secretary, K.G.B.V, Mandosil, Paikmal, Dist-Bargarh, Mob-9937768593.
2. Sub-Divisional Officer (Elect.), Paikmal, TPWODL, 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.orierc.org under the "head "Cases->"GRF".