

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)/ 39(4)

Date: 20.02.2024

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

1	Case No.	BGH/16/2023			
2	Complainant/s	Name & Address		Consumer No	Contact No.
		Puspanjali Dash At-Bhainapara, Ward No-02 PO/PS/Dist-Bargarh		5121-2424-0014	9938560811
3	Respondent/s	SDO(Electrical), Bargarh-I , TPWODL			Division B.E.D, TPWODL, Bargarh
4	Date of Application	21.12.23 (Received on 20.01.24 from Opposite party)			
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	21.12.23			
9	Date of Order	20.02.2024			
10	Order in favour of	Complainant	Respondent	Others	√
11	Details of Compensation awarded, if any.	NIL			



Place of Camp: Office of The Sub-Divisional Officer, Bargarh-I, TPWODL, Bargarh.

Appeared

For the Complainant- Puspanjali Dash
Represented by Alok Kumar Dash

For the Respondent - EE, BED, Bargarh, TPWODL.
Represented by Priyabrata Joshi, Asst. Finance Manager, BED, Bargarh.

GRF Case No- BGH/16/2023

(1) Puspanjali Dash
Ward No-02
At/ PO/ Dist- Bargarh,
Consumer No.- 5121-2414-0014

COMPLAINANT

VRS

(1) EE, BED, Bargarh, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed in the name of Mrs. Puspanjali Dash, represented by Sri Alok Ku. Dash, At-Bhainapara, Ward No.-II, Bargarh, objected about non settlement of billing dispute, heard at camp site on 13.03.2021, inspite of payment made of Rs.97,000/- upto April-2021 & outstanding amount still lying pending against his account. The complainant also submitted that there was no usage of electricity from April-2018 to February-2021, as family members were not residing in the house. In this context, the complainant submitted a copy of letter dt. 13.03.2021, addressed to ESO-IV, Bargarh, regarding reconnection of power supply. And also filed a copy of letter dt. 13.03.2021, certified by the local municipal councillor, Ward No-II, Bargarh, mentioning that the supply was in disconnected state from April-2018 to February-2021, as there was no one residing in the premises to which the supply was connected. On approach to JE, Sec-IV, Bargarh for reconnection, meter has been installed and power supply has been reconnected. Hence, 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 latest Physical Verification Report (PVR) dt.20.01.2024, ledger copies from April-2001 to November-2023 and a written statement on this case. In reply to this case, the Opposite Party submitted that, provisional/average bills were served to the consumer from time to time & actual bill was raised in November-2011. Thereafter, average bills were charged from December-2010 to February-2021 with meter status found defective. A new meter bearing serial No.LW541589 was installed in the premises on 29.03.2021 & as per physical verification report dated.20.01.2024, the same meter has been in running condition with advanced meter reading recorded as kwh"20446".The opposite party confirmed after field verification that the premises of the complainant was vacant during the period from Apr 2018 to Feb 2021 as claimed by the complainant.

Hence, the Opposite Party urged before the Forum to issue necessary orders as deemed fit.

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-5121-2424-0014 having CD-3KW, under LT-Domestic purpose category, under ESO-IV, Bargarh. On examining the records it was observed that actual bill was raised in November-2010 and thereafter, average bills were continuously charged @ 432/324/288/186/140 units per month from December-2010 till February-2021. A new meter bearing serial No "LW541589" was installed on 29.03.2021 & actual bills were charged thereafter from March-2021 onwards. The ledger abstract revealed that a debit sundry of Rs.81,359/- was added in November-2022 bill. The reason of such additional bill charged was not clarified by the Opposite Party. However, on scrutinizing the records it was found that the old defective period assessment was done from March-2019 to February-2021, on the basis of succeeding six months actual monthly average consumption recorded from the date of installation of the new meter, bearing SL. No. "LW541589". As per the claim made by the complainant regarding payment of Rs.97,000/-, it was noticed that all the payments have been reflected & adjusted in billing. In connection to the complaint filed regarding non use of electricity period from April-2018 to February-2021, no official disconnection was effected in billing as such. Whereas, the complainant has submitted one certificate from the Councillor, Ward No-2, Bargarh Municipality regarding non occupancy in the said house from Apr 2018 to Feb 2021. After due field verification, the Opposite party certify that the said premises was vacant during the period from Apr 2018 to Feb 2021.

From the complainant's version and from the PVR of SDO,(Elect), Bargarh-I, the Forum construed that as there was no official disconnection, The JE, Sec-IV, Bargarh has reconnected the supply by installing one new meter only and there has been no use of electricity during the period from Apr 2018 to Feb 2021 and the energy bill raised for the aforesaid period by the opposite party is to be waived out except the fixed charge as applicable.

However, referring to the Regulation no. 157 of OERC Distribution (Conditions of Supply) Code 2019, dispute period can be taken up to a period of two years. Therefore, the Forum construed that, the revision of bill will be from Mar 2019 to Feb 2021.

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 reassess & withdraw the energy bills raised to the consumer for the period from **Mar 2019 to February 2021** except the fixed charge as applicable.*
2. *The Opposite party is directed not to consider the bill revision for the period of penalty that falls in above period, if any, as the same information has not been submitted by either of the parties.*
3. *The Opposite party is directed not to consider the bill revision for the period already where the complainant has availed the OTS scheme and rebate thereon, if any, as applicable, as not submitted any information for the same by either of the parties.*
4. *The Opposite Party is directed to serve the revised energy charges bill with revised due date within 30 days from the receipt of this Order, duly considering the applicable tariff during the*



period, taking in to account the adjustments, if any, and adjusting the payments made by the complainant and ensure payment thereof.

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 as per regulation- 144 of OERC Distribution (Conditions of Supply) Code, 2019.

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 complainants claim regarding actual physical disconnection & subsequent request regarding reconnection is not accompanied by any proof of fees deposited towards disconnection & reconnection, to effect such physical supply at consumer's site. The Opposite party could not provide any records of disconnection/reconnection in reply statement to the objections filed in this regard as per regulation-51 of OERC Distribution(Condition of Supply) Code, 2019.

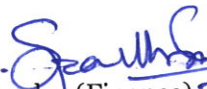
It shall be the responsibility of the consumer to get his connection disconnected if he/she vacates the premises or changes his occupancy or otherwise he shall continue to remain liable for all charges as per regulation-110(i) of OERC Distribution(Condition of Supply) Code, 2019. Notice and request for disconnection is to be given by the consumer at least 7 (seven) days before the proposed date of vacation or occupancy change. The licensee/supplier shall arrange to take a special reading of the meter after intimating the consumer. If the licensee/supplier fails to disconnect the supply even after seven days' notice, no claim shall be made on the consumer either for consumption of energy or safety of the licensee/supplier's equipment in consumer's premises beyond this period". In this context, there was no official correspondence/ action from either of the parties is received by the Forum. Regulation 151(iv) clearly mentions the criteria that on intimation of the consumer the supply can be disconnected temporarily in his absence for more than one billing cycle due to safety reason. On re-occupation of the premises the supply can be restored with payment of reconnection charges. The consumer shall have liberty to pay in advance the electricity bills for his period of absence for visit to other places.

Regulation 158(iv) of OERC Distribution(Condition of Supply) Code, 2019, also depicts the guidelines as to when a domestic consumer gives prior information in writing about inaccessibility of the meter to the licensee/supplier due to continued absence from residence, the licensee/supplier shall not send any notice/provisional bill to the consumer provided that the consumer pays the fixed charges for

such period in advance. Whenever the meter is made accessible by the consumer for taking the meter reading, the entire consumption shall be taken as if the consumption was for the period excluding the intimated period of inaccessibility. This facility shall be available to the consumer if he has paid up to date dues. There is no correspondence received by the Forum from either of the parties in this regard & no meter was installed previously by the Opposite Party but provisional/average bills were allowed to continued from December-2010 to February-2021. The complainant's application made earlier on 13.03.2021, to the Electrical Section Officer-No-IV, under BED., Bargarh, requesting for reconnection of power supply is a testament to the fact that power supply was disconnected physically but the exact date of disconnection & reconnection could not be provided by the Opposite Party to substantiate the case further. As per ledger abstract submitted, there is no mention of disconnection & reconnection effected in billing. Hence, there is ambiguity in establishing the period of disconnection & reconnection effected in the complainant's premises. The physical verification report(PVR) dated 20.01.2024, reflected that there was no usage of electricity during the period from April-2018 to February-2021(as the house was remained vacant), certified by the concerned AOC & ESO-No-IV, BED., Bargarh, albeit at later stage, is not inclusive in the written statement (dated. 20.01.2024) filed by the Opposite Party Viz. the SDO(Elect.)No-1, BED., Bargarh & there is no certification in PVR, in this regard, by the SDO(Elect.)No-1, Bargarh, being a disputed case relating to period of no usage of power supply or disconnection effected, if any. Despite, repeated notice issued on record to the Opposite Party asking for submission of reports on the claim of consumer regarding non-occupancy period from April-2018 to February-2021, no exact reply was submitted. Hence, the reports submitted by the AOC & ESO-No-IV, under BED., Bargarh is not based on record & without any basis.

Therefore, after examining the records available & submission made by both the parties & taking into account the non-compliance of regulatory provisions like, Regulations-110(i), 151(iv) & 158(iv) of OERC Distribution(Condition of Supply) Code, 2019, by the complainant consumer, that, in my considered opinion, the averments & prayer made by the consumer for revision and withdrawal of energy bills so charged during the period from April-2018 to February-2021 is not attainable at this time & not justified. For that reason, I disagree with the opinion stated above by the President, CGRF, Bargarh.

Hence, the difference of opinion.


Member (Finance) 20/02/24
MEMBER
CGRF Bargarh
Grievance Redressal Forum
TPWODL, Bargarh-768028
Copy to:

1. Puspanjali Dash, At-Bhainapara, Ward No-02, PO/Dist-Bargarh, Mob-9938560811.
2. Sub-Divisional Officer (Elect.), Bargarh-I, TPWODL, Bargarh 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".