

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)/ 60⁽⁴⁾

Date: 05.04.2024

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

1	Case No.	BGH/37/2024			
2	Complainant/s	Name & Address		Consumer No	Contact No.
		Ashok Kumar Dash, At-Jamla, Melchhamunda, Padampur Dist-Bargarh		5152-0312-0070	9938562133
3	Respondent/s	SDO(Electrical), Padampur, TPWODL			Division B.W.E.D, TPWODL, Bargarh
4	Date of Application	03.02.2024			
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, Regulation 110(i),(ii),(iii), 37,80,81,82,83,84,85 √			
		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	04.03.24 & 14.03.24			
9	Date of Order	05.04.2024			
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

Hearing At: Office of President, GRF, Bargarh, TPWODL.



Appeared

For the Complainant- Sri Ashok Kumar Dash

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

GRF Case No- BGH/37/2024

(1) Ashok Kumar Dash
At-Jamla, Melchhamunda
Padampur, Dist- Bargarh.
Consumer No.- 5152-0312-0070

COMPLAINANT

VRS

(1) SDO(Elect.) Padampur, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed by Sri Ashok Kumar Dash, At/Po-Jamla, Melchhamunda, Padampur, Dist-Bargarh, with regard to long billing dispute originally registered at Camp Court held at ESO-Melchhamunda on dt. 25.08.2022 by Hon'ble GRF, Burla. The complainant averred that his house was kept in locked condition since 1985 & the power supply was disconnected, but energy billing were continued thereafter. He submitted that he had constructed a new home at a new location and the department staffs shifted the old service line and the meter and billings were charged. The complainant submitted that he had communicated his grievance time and again to the officials concerned orally & the office concerned in writing, but it was all in vain and to his utter dismay, he was having an arrear to the tune of Rs. 4,92,765/- kept outstanding as on Mar 2022. Hence, his grievance being unaddressed, the complainant approached the Forum for an efficacious remedy. In this context, the complainant submitted a copy of advocate notice served to him dt. 28.06.2021, regarding recovery of arrear electricity dues, a copy of reply letter addressed to the advocate of the Licensee sent on dt. 17.07.2021 & a copy of an earlier bill charged during Dec -Jan 2006.

On hearing to the case in detail, the Hon'ble Forum, GRF, Burla, passed an interim order dt. 29.11.2022 directing the opposite party to conduct a detailed verification report thereon with a direction to EE(Elect), BWED & SE, EC, Bargarh, to carry out special field enquiry and on the matter why additional declaration was made in PVR by others, other than ESO, Melchhamunda & Submit such enquiry report by 26.12.2022.

However, on functioning of this Forum, GRF, Bargarh Circle, the instant case was transferred from GRF, Burla to this Forum on 02.02.2024 & the case was re-registered on 03.02.2024. On receipt of the case, notice was issued to both the parties to appear before the Forum on 04.03.2024 wherein, the complainant appeared before the Forum but the Opposite party remained absent on that date. The case was re-scheduled to be heard on 14.03.2024, wherein the complainant and the representative of the Opposite Party, Sri Kshirod Kumar Sahoo, appeared before the Forum.

SUBMISSION OF OPPOSITE PARTY

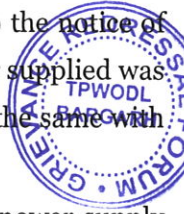
The Opposite party submitted the Physical Verification Report, dt. 12.03.2024, written submission, ledger abstract of the complainant and Spot verification report conducted by SDO (Elect), Padampur, TPWODL, Accountant, Padampur, ESO, Melchhamunda & Lineman A-Melchhamunda, vide letter No. 536, dt. 13.07.2023. In replay to this instant case, the Opposite Party submitted that, the initial date of power supply to the complainant was on dt. 01.01.1990. Thereafter, Provisional & Average bill were raised from Apr 2004 to May 2019. One new meter bearing Sl No. TPWODL1002117 was installed in the complainant's premise on dt. 19.02.2022. The Opposite Party urged before the Forum to revise the Provisional/Average energy bill from Apr 2004 to May 2019, considering the consumption of the new meter Sl No. "TPWODL1002117". As per the spot verification report dt. 13.07.2023, the power supply given to Sri Ashok Kumar Dash was earlier connected to a different premise in same village, which is now completely dilapidated and there has been no power supply at present. On enquiry, it was found that the house was vacant since long. But the clear period of vacancy of house and disconnection of power supply couldn't be ascertained.

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-5152-0312-0070 having CD-4.5 KW, under LT-Domestic category, under ESO Melchhamunda. On hearing to the case, the complainant was asked to submit any details of application made earlier regarding disconnection of Power Supply, whether the disconnection effected was of temporary or permanent nature, the exact date of disconnection effected in the premise, as to whether the disconnection made due to non payment of arrear electricity dues or due to request made by the complainant with advance intimation to the licensee/supplier that supply be disconnected for a particular period for remaining out of station, the non-occupancy period during which time, the house in the subject matter, remained vacant, whether any disconnection fees paid by the complainant if any.

The complainant re-iterated the following points in support of his grievances made;

- That, the complainant had availed power supply in 1979 vide old consumer No. D14Q15.
- That, the complainant had availed the power supply upto 2021 & thereon left the house which was in dilapidated condition.
- That, the complainant left his native place at Jamla & stayed with his family at Staff Quarter at Remunda High School, where he was a teacher and there was nobody stayed in the home at Jamla.
- That, the complainant had made an application to the office concerned for disconnection of the service soon after their departure therefrom, but electricity service was disconnected from the same old dilapidated house in 2005 only.
- That, in the year 2008, the complainant came to the village & stayed with his brother in another place.
- That, a new house was built in the year 2019 at the same village Jamla, about one Kilometre away from the existing dilapidated house.
- That, since Apr 2020, the supply was shifted to the new house at Jamla, on insisting by electricity department to re connect the earlier line, which was disconnected, instead of a new connection.

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- That, the meter supplied to the new premise was faulty & the same was brought to the notice of the officials concerned and the Opposite Party acknowledged the fact that the meter supplied was faulty with an assurance to replace the same with a new one but could not replace the same with reasonable promptitude and charged exorbitant bills on average basis.
 - That, the complainant was not served with any bill from 2005 to 2020 regarding power supply usage for the obvious reason that electricity was disconnected therefrom.
 - That, not disconnecting electricity officially for long period despite getting an application for disconnection is but disingenuousness of the department.
 - That, the complainant is willing to pay the demand which to be lawfully charged on him and is shocked and surprised by the demand to the tune of Rs. 4,92,765/- at such a belated stage.

Regulation 110 (i),(ii) & (iii) of OERC Distribution (Conditions of Supply) Code, 2019, stipulates that,

(i). *It shall be the responsibility of the consumer to get his connection disconnected if he vacates the premises or changes his occupancy or otherwise he shall continue to remain liable for all charges.*

(ii). *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.*

(iii) *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.*

However, the complainant could not submit any supplementary records, statements, applications made earlier to the Opposite Party to substantiate his case.

As per available records, the Forum observed that physical verification report drawn on 25.08.2022 declared that the old house was kept locked since long & the power supply was also disconnected but billing were continued. However, additional declaration was made albeit, at later stage on the same PVR declaring that power supply was physically disconnected from Apr 2004 to May 2019 by SDO(Elect), Padampur, on dt. 21.09.2022.

As the point in question remained to be answered as to the exact disconnection period, litigating the case with accumulation of arrear during these disconnected period and the subsequent transfer of connection with addition of huge arrear outstanding as on date to the existing connection, the Opposite Party was asked to furnish the detailed verification report to be conducted by the EE(Elect), BWED & the Zonal Head, Bargarh, in order to ascertain the details of the case. The opposite Party couldn't furnish the same even after two hearing dates. The Opposite Party in replay to the case submitted a copy of PVR dt. 12.03.2024, indicating the existing meter SI No. "TPWODL 1002117" found in running condition with advanced meter reading recorded as KWH "005406". The Opposite Party submitted a copy of spot verification report conducted by SDO (Elect), Padampur, TPWODL, Accountant, Padampur, ESO, Melchhamunda & Lineman A-Melchhamunda, vide letter No. 536, dt. 13.07.2023 declaring that, "the power supply given to Sri Ashok Kumar Dash was earlier connected to a different premise in same village, which is now completely dilapidated and there is no power supply at present. On enquiry it was found that the house was vacant since long. But the clear period of vacancy of house and disconnection of power supply couldn't be ascertained from the neighbours and local electrical staffs. The complainant

claims he was serving as Government Teacher & living out of village since the year 2004 & on return to village, got same supply restored in May 2019 to his present new house at different location of the same village. In support of his claim, the complainant supplied an affidavit dt. 23.05.2023 & a certified statement dt. 30.12.2020 of Sarpanch, Jamala Grampanchayat.”



However, the Opposite Party in their written statement urged before the Forum to issue orders to revise the Provisional and Average bills charged from Apr 2004 to May 2019 on the basis of actual monthly average consumption in the existing running meter.

On examining the case in detail & upon hearing to the case, the Opposite Party on the other hand was asked to submit & answer some requisite points relating to the exact date of disconnection effected if any, and, if there was disconnection so effected in the year 2005, then why there was no action taken to stop the generation of bills further in timely manner and allowed the bills to generate month on month basis with unreasonable laxity, & whether the disconnection done was of temporary or permanent in nature, final readings of the meter at the time of disconnection, the reason for such disconnection & then, any application received from the complainant for shifting of service connection to the new premises & the cost involved in shifting & the necessary payment made, if any, as against demand raised for shifting of connection, whether Regulation 80 to 85 of OERC Distribution (Conditions of Supply) Code, 2019 followed with regard to inspection and testing for new connection, approval of consumer for installation, read with procedures and timeline followed as laid down in Reg 37 of the Code.

The Opposite Party was asked to submit the above details with special field verification report on or before 22.03.2024 to adjudicate the case further and necessary order thereof as deemed fit.

It is the duty of the Opposite Party to perform effectively to ensure quality service & extend seamless process to make the system simple, transparent & consumer friendly.

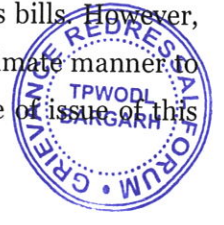
The ledger abstracts as submitted by the Opposite Party depicted that last actual bill was raised to the complainant in Mar 2004 billing and from then on Provisional and average bills were raised continuously from Apr 2004 to Amy 2019. It was also revealed that some payments were made by the complainant during the aforementioned period. It was in July 2019 billing, where a new meter bearing SI No. “LW282192” was updated in billing database and actual bills have been raised thereafter till last billing.

However, after giving sufficient reasonable time to the Opposite Party regarding submission of material Facts to the Forum along with special verification report, the Opposite Party failed to furnish the same.

Hence, the Forum, after careful observation to the case, along with aforementioned facts and records, inclined to pass orders, based on merit of the case & for necessary justice, keeping on record the financial aspects and avoid unjust loss to either of the parties.

The Opposite Party is required to conduct a special physical enquiry in finding out the date of actual disconnection effected to the complainant’s old premises situated at Jamla, Melchhamunda, to be certified by the EE (Elect), BWED & Zonal Head, Bargarh, based on such report and certification made to this effect, the Opposite Party is required to revise & withdraw the energy bills so charged during the line disconnected period if any, “OR”, else, if there has been no disconnection effected to the old premise under reference above, the provisional and average bills charged to the complainant against SC No. 5152-0312-0070, are to be revised accordingly following due provisions of law, current Regulations in force &

as per circulars, orders framed by the Licensee in dealing with bill revision of previous bills. However, the Opposite Party is required to settle the billing dispute in a fair, reasonable and legitimate manner to redress the grievances of the complainant within thirty days time period from the date of issue of this order.



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 conduct a special physical enquiry in finding out the date of actual disconnection effected to the complainant's old premises situated at Jamla, Melchhamunda, to be certified by the EE (Elect), BWED & Zonal Head, Bargarh, based on such report and certification made to this effect, the Opposite Party is directed to revise & withdraw the energy bills so charged during the line disconnected period if any, "OR", else, if there has been no disconnection effected to the old premise under reference above, the provisional and average bills charged to the complainant against SC No. 5152-0312-0070, are to be revised accordingly following due provisions of law, current Regulations in force & as per circulars, orders framed by the Licensee in dealing with bill revision of previous bills.
2. 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.
3. 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.
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
05/04/24
(S. Tripathy)
MEMBER
(Member in Charge)

B.K. Singh
05/14/24
(B.K. Singh)
PRESIDENT
(President)

Copy to Grievance Redressal Forum
TPWODL, Bargarh-768028

Grievance Redressal Forum
TPWODL, Bargarh-768028

1. Assistant Engineer (Elect.), Melchhamunda, Padampur, TPWODL, Bargarh-768028
2. Sub-Divisional Officer (Elect.), Padampur, 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".