

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)/ 04⁽⁴⁾

Date: 10.01.2024

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

1	Case No.	BGH/07/2023		
2	Complainant/s	Name & Address Sri Satyanarayan Singh Lalu At/Po-Barpali, Ward No. 11. Dist- Bargarh.	Consumer No 5151-0108-0177	Contact No. 9777380500
3	Respondent/s	SDO(Electrical), Barpali , TPWODL		Division B.W.E.D, TPWODL, Bargarh
4	Date of Application	14.12.23 (Received on 22.12.23 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
		5. Disconnection / Reconnection of Supply	X	6. Installation of Equipment & apparatus of Consumer
		7. Interruptions	X	8. Metering
		9. New Connection	X	10. Quality of Supply & GSOP
		11. Security Deposit / Interest	X	12. Shifting of Service Connection & equipments
		13. Transfer of Consumer Ownership	X	14. Voltage Fluctuations
		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	14.12.23		
9	Date of Order	10.01.2024		
10	Order in favour of	Complainant	✓	Respondent
				Others
11	Details of Compensation awarded, if any.	NIL		

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Place of Camp: Sub-Division Office, TPWODL, Barpali.

Appeared

For the Complainant- Sri Satyanarayan Singh Lalu

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

GRF Case No- BGH/07/2023

(1) Sri Satyanarayan Singh Lalu
At/Po-Barpali,
Ward No. 11
Dist- Bargarh.
Consumer No.- 5151-0108-0177

COMPLAINANT

VRS

(1) SDO(Elect.) Barpali, TPWODL

OPPOSITE PARTY

GIST OF THE CASE

The Complaint petition filed in the name of Satyanarayan Singh Lalu, at-Ward No.-II, Barpali, objected about wrong charging of energy bills from the year 2011 onwards, even though he has not used power supply thereafter & requested for disconnection of supply in earlier occasions. In this context, the complainant submitted a copy of application dtd.10.03.2021 addressed to ESO-I, Barpali, regarding his earlier application made for disconnection of power supply, final payment made on 19.07.2011 of Rs.2000/- & requested for settlement of his case. The complainant submitted a copy of money receipt issued on 19.07.2011 to furnish proof of his last payment made. In the same letter, the complainant declared that one tenant has been residing in his premises since March-2020, that power supply being used by him available in his own name. During the course of hearing at GRF Camp site at the O/o of SDO (Elect.), Barpali, the complainant raised objection about non releasing of new power supply that was applied in the name of his wife Mrs. Jayanti Singh Lalu, the premises being situated at a different place. The complainant alleged that though he has approached the O.P. on earlier occasions but no action was taken till date. So finding no other alternative, he moves to this forum for efficacious remedy.

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 exact date of physical disconnection effected against the complainants premise.
- ii) Copy of consumer's application made earlier regarding disconnection of power supply.
- iii) The basis on which another service line was allowed or shifted from the other site & the details of the present occupant with latest physical verification report.
- iv) Copy of consumer's application for new service connection at different site.
- v) The written statement relating to this case & any other supplementary data/records to establish the actual facts.

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The Opposite Party submitted the ledger copies from December-2008 to June-2023, Physical Verification Report (PVR) dtd.22.12.2023, a copy of new service connection applied in the name of complainant's spouse and a written statement on this case. In reply to this case, the Opposite Party submitted that, the actual date of disconnection is not available as per section record & no such application regarding disconnection of power supply is available at concerned section office. The opposite party further submitted that on physical enquiry from nearby households, it was observed that the power supply to the premises has been disconnected since last 10 years and one Sri Surya Kumar Prusty (declared as the tenant of the complainant) shifted his service connection to the premises of Sri Satyanarayan Singh Lalu (being the complainant in this case) & has been residing in the premises of the complainant since March-2020 utilizing power in his (the tenant) own name bearing SCNO-"515101100151", having meter SL. No.-"LW625328". The Opposite Party clarified that no such records of shifting is available at concerned section office.

The O.P. submitted a fresh physical verification report in which it was noted that existing meter having meter serial No-"900077" is having "No Display", no meter body seal & no TP box seal found. Hence, the Opposite party urged before the Forum to issue necessary orders as deemed fit by the Forum.

OBSERVATION

The case is pursued 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-515101080177 having C.D.-1kw, under LT-General purpose category, under the jurisdiction of ESO-NO-1, Barpali. The complainant disputed about erroneous/wrong bills raised during the non use of electricity period i.e. from 20.07.2011 onwards as the power supply has been disconnected against his connection since then. The FG billing database (Licensee's soft. records) revealed that the initial power supply was released on 22.12.2008. Actual/provisional bills were raised intermittently from December-2008 to November-2011. The last actual bill was raised in November-2011, considering the current advanced reading of kwh"001367", recorded in the meter having serial No"900077". Thereafter, provisional bills were raised till August-2012 & then, average bills @ 27/64/144/288/72 units per month were continuously charged from September-2012 till June-2023. The power supply was officially disconnected on 16.09.2023 & bill status has been found "stopped" as per FG billing database (Licensee's soft. records). From the objections raised/averments made by the complainant and the counter reply submitted by the Opposite party, the following points arise as mentioned hereunder;

- i) That, a copy of application regarding disconnection of power supply is not submitted by the complainant to substantiate his case & the O.P. has expressed it in writing about no such application made earlier to the licensee to this effect. Declaration of disconnection of power supply without exact date (the supply being in disconnected state since last 10 years approximately, as certified by O.P.) & the disconnection report is not in line with the bill revision circular framed.

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- ii) That, if for any reason the consumer does not receive the bill for the billing cycle within two weeks of the end of the billing cycle, it would be the obligation of the consumer to approach the engineer and collect a duplicate bill, if any, to ascertain & confirm about status of energy billings.
- iii) That, complainants claim regarding payment of final bill of Rs.2000/- paid on 19.07.2011 is not conclusive, as no final demand bill & subsequent "NOC" were produced before the Forum from either of the parties to establish such claims. The ledger abstract revealed that payment of Rs.2000/- made on a different date i.e. on 23.07.2011 adjusted in June-2011 bill. Last payment of Rs.15/- made on 01.05.2012 is adjusted in April-2012 bill.
- iv) That, the shifting of another connection in the name of the aforementioned tenant into the premises of the complainant, is doubtful & O.P. has denied any official record of such shifting & proper procedures followed while shifting of meter/existing connection as per regulation-45 read with reg.-5(a) of OERC Distribution (Condition of Supply) Code, 2019.
- v) That, arrear outstanding as on November-2011(the last actual bill raised) was Rs. 1455.20/- & Rs.170543.88/- as on the date of disconnection made officially (i.e. on 16.09.2023).
- vi) That, the complainant's contentions raised regarding non release of new power supply applied in the name of his spouse is due to the pending arrears against the complainant's name lying in the premises under dispute in the instant case.

From the above mentioned background, the Forum is at constraint to pass orders in the absence of satisfactory documentary evidence. Therefore, in the absence of proper proof of documents/records/statements submitted by the O.P., the benefit of doubt goes to the complainant. Hence, the Forum construed that there is no existence of power supply, treating it as a disconnected case. Since, another consumer, Sri Surya Kumar Prusty (declared as the tenant of the complainant) shifted his service connection to the premises of Sri Satyanarayan Singh Lalu (being the complainant in this case) & has been residing in the premises of the complainant since March-2020 (as confirmed by both the parties), utilizing power in his(the tenant) own name bearing SCNO-"515101100151", having meter SL. No.-"LW625328"(original billable address at-Rajbhati ,Barpali), it is construed that O.P. has already allowed such shifted connection to avail power supply, after observing due official formalities.

The complainant's connection could have been disconnected earlier due to non-payment of arrear dues for such long period of time but O.P. remained silent & allowed the energy billing to continue i.e. from April-2012 till June-2023. The Forum condemns such in-action on the part of the O.P. & vouched for conscious steps to be taken henceforth to avoid future repetitions of the same.


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Hence, the Opposite Party is required to issue No Objection certificate against the existing premises, duly observing official formalities & release new power supply applied earlier in the name of complainant's wife to redress the grievances of the complainant.


ORDER

Considering the documents and statements submitted by both the parties, the Forum hereby passes orders as mentioned below;

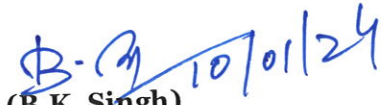
- 1) The Opposite Party is directed to release new power supply at the earliest, applied in the name of complainant's spouse, in accordance with the Regulations of OERC Distribution (Conditions of Supply) Code, 2019.
- 2) The Opposite Party is directed to issue "No Objection Certificate" against the existing premises of the complainant, after observing due official formalities, in order to avoiding future complications.

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) 10/01/2024
Member (Finance)

MEMBER
Grievance Redressal Forum
TPWODL, Bargarh-768028


(B.K. Singh)
(President)

PRESIDENT
Grievance Redressal Forum
TPWODL, Bargarh-768028

Copy to :-

1. Sri Satyanarayan Singh Lalu, At/Po/ Ps/Tahsil-Barpali, Ward No-11, Dist-Bargarh-768029.
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.orierc.org under the "head "Cases->"GRF".