

GRIEVANCE REDRESSAL FORUM, BOLANGIR

(Infront of Children's Park),

BOLANGIR-767001, Tel./Fax:-(06652) 235741

E-mail: grfwesco.bgr@rediffmail.com/ Grf.bolangir@tpwesternodisha.com

Bench: Er. Kumuda Bandhu Sahu (President),

Sri Prasanta Kumar Sahoo (Member (Finance)), Sri Krupasindhu Padhee, (Co-Opted Member)

Memo No.GRF/BGR/Order/

844⁵

Dated, the

31/08/2024

Corum:

Er. Kumuda Bandhu Sahu
Sri Prasanta Kumar Sahoo
Sri Krupasindhu Padhee

- President
- Member (Finance)
- Co-Opted Member

1	Case No.	Complaint Case No. BGR/444/2024			
2	Complainant/s	Name & Address		Consumer No	Contact No.
		Sri Sai Ranjan Sahu, At/Po-Burda, P.S-Loisingha, Dist-Bolangir		Intending Consumer	7684062471 8249482009
3	Respondent/s	Name S.D.O (Elect.), TPWODL, Loisingha		Division Bolangir Electrical Division, TPWODL, Bolangir	
4	Date of Application	11.07.2024			
5	In the matter of-	1. Agreement/Termination 2. Billing Disputes 3. Classification/Reclassification of Consumers 4. Contract Demand / Connected Load 5. Disconnection / Reconnection of Supply 6. Installation of Equipment & apparatus of Consumer 7. Interruptions 8. Metering 9. New Connection 10. Quality of Supply & GSOP 11. Security Deposit / Interest 12. Shifting of Service Connection & equipments 13. Transfer of Consumer Ownership 14. Voltage Fluctuations 15. Others (Specify) -			
6	Section(s) of Electricity Act, 2003 involved				
7	OERC Regulation(s) with Clauses	1. OERC Distribution (Conditions of Supply) Code,2019; Clause(s) 2. OERC Distribution (Licensee's Standard of Performance) Regulations,2004; Clause 3. OERC Conduct of Business) Regulations,2004; Clause 4. Odisha Grid Code (OGC) Regulation,2006; Clause 5. OERC (Terms and Conditions for Determination of Tariff) Regulations,2004; Clause 6. Others			
8	Date(s) of Hearing	30.07.2024	08.08.2024	29.08.2024	
9	Date of Order	31.08.2024			
10	Order in favour of	Complainant	<input checked="" type="checkbox"/>	Respondent	Others
11	Details of Compensation awarded, if any.	Nil			

CO-OPTED MEMBER

MEMBER (Fin.)

PRESIDENT

Place of Hearing: GRF, Bolangir

Appeared:

For the Complainant -Sri Sai Ranjan Sahu

For the Respondent -Sri Abanikanta Maharana, S.D.O (Elect.), Loisingha

Complaint Case No. BGR/444/2024

Sri Sai Ranjan Sahu,
At/Po-Burda,
P.S-Loisingha,
Dist-Bolangir
Con. No. Intending Consumer

- COMPLAINANT

-Versus-

Sub-Divisional Officer,
Electrical Sub-Division,
TPWODL, Loisingha

- OPPOSITE PARTY



ORDER
(Dt.31.08.2024)

HISTORY OF THE CASE

The Complainant is an intending consumer applied for new service connection from TPWODL on Dt.31.05.2024 vide UPAN No-TPW1078881 for domestic purpose over Plot-No-872 of ROR holding No-312 at Mouza-Burda,PS-Loisinga ,Dist-Bolangir .This Plot stand recorded in the name of Late Satyananda Sahu ,Grand Father of complainant Sri Sai Ranjan Sahu. Sri Sai Ranjan Sahu applied for NSC online and SDO Loisinga did not give supply on the ground of existing arrear amounting to Rs.248146.00 bearing consumer No-911311040082 in name of his brother Sri Sai shankar Sahu.

The case was heard in detail.

PROCEEDING OF HEARING DATED: 08.08.2024 & 29.08.2024.

SUBMISSION OF COMPLAINANT DURING HEARING

The Complainant applied online for new service connection from TPWODL on Dt.31.05.2024 vide UPAN No-TPW1078881 for domestic purpose over Plot-No-872 of ROR holding No-312 at Mouza-Burda,PS-Loisinga ,Dist-Bolangir .OP has not effected power supply on the pretext of huge arrear Rs.248146.00 bearing consumer No-915001030919 in name of his brother Sri Sai shankar Sahu over the same Plot recorded in the name of Late Satyananda Sahu ,Grand Father of complainant Sri Sai Ranjan Sahu.As recorded Landlord and his Son expired, this is a joint property owned by complainant and his three brothers and complainant has submitted a self declared affidavit from Notary that there is no objection from any quarter regarding new electricity connection on his own share of Ac.0.01 Dec. of Land.

[Signature]
CO-OPTED MEMBER

[Signature]
MEMBER (Fin.)
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PRESIDENT

SUBMISSION OF OPPOSITE PARTY DURING HEARING

The OP appeared before the Forum and filed a version that there exists no evidence of partition in the present premises between the applicant and the brother against whom the pending arrear exists. In the event of a pending arrear in the same set of premises and without any evidence of legitimate partition the distribution licensee is not bound to supply electricity to the applicant. It is very well established qua the relevant codes and regulations governing the distribution licensee that before seeking for a fresh NSC, all the existing arrears should be cleared. Precisely, for the recovery of pending arrears the distribution licensee is equipped by Regulation 147, 151, 152 and 154 of the Odisha Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019, and for non-disbursal of electricity owing to the pendency of arrears, the distribution licensee is equipped by Regulation 17 of the said code. Moreover, in hindsight, the complainant has acknowledged that there exists a pending arrear to the tune of Rs. 248146/- in the name of the brother of the complainant bearing consumer number 911311040082.

That even if the complainant has claimed that a partition exists between him there is only a self declaration submitted by him. And in case the so called partition with his brother is accepted then also the pending arrear has to be cleared off on pro rata basis since the arrear was pending in the entire premises to which the present applicant was resident to. Therefore, any such claim of partition would also entail clearance of the pending arrears on pro-rata basis. Reliance has been placed on Regulation 17 of the Odisha Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019.

That as understood, the present application for new service connection is a mere attempt to dodge of the pending arrear due to which the disconnection took place in the same set of premises, plot no.872 out of holding no.312 of village- Burda. As a matter of fact, it is a clear and tactful attempt by the complainant to procure electricity in the same premises in a different name after disconnection due to pending arrear. Pertinently, the distribution licensee is not obligated to supply electricity without adhering to the prescribed codes and regulations.

That as per the existing codes and regulations, the procedure was followed by the distribution licensee with regards to procuring the security deposit a conduction field inspection. Reliance has been placed on Regulation 52 of the Odisha Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019. Moreover, in accordance with the MO Bidyut Portal established in line with the objective of the Government of Odisha for disbursing smooth supply of electricity, the intending consumers are expected to fill up the application from the app/ website itself. However, the NSC was not supplied to him since there existed a pending arrear in the name of the brother of the intending consumer/ the complainant in the present case. It is very well established qua the relevant codes and regulations governing the distribution licensee that before seeking for a fresh NSC, all the existing arrears should be cleared. Moreover, in hindsight, the complainant has acknowledged that there exists a pending arrear to the tune of Rs. 248146/- in the name of the brother of the complainant bearing consumer number 911311040082.

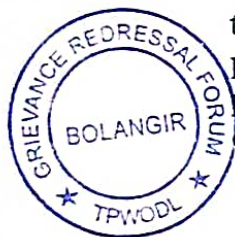
That the question of same premises and extension/availability of old power supply to the present premises has been duly found during field verification of AOC, Loisingha.

That in view of the above stated facts and circumstances it is well established that the complainant is not entitled to get NSC unless the pending arrear is cleared in full.


CO-OPTED MEMBER


MEMBER (Fin.)


PRESIDENT



FINDINGS AND ANALYSIS OF THE FORUM

As per OP, scheduled land over which complainant has applied new service connection is a joint property and not partitioned legally among legal heirs and there exists an outstanding arrears in name of Sri Sai Shankar Sahu. Furthermore OP has stated that complainant was enjoying same supply and now want to take another supply adjacent to existing house to avoid payment of arrears. So Forum asked complainant to produce genealogy of Late Satya Nanda Sahu and legal heir certificate and hearing was scheduled for Dt.29.08.2024. On hearing on Dt.29.08.2024, complainant did not produce above documents in support of statements. Furthermore OP intimated forum during hearing that complainant is residing in same house and using the supply (in name of his brother) asking for new connection in his own name to avoid payment of arrears. As per suggestion of OP, complainant did not agree to pay proportionate arrear accumulated over the joint property.

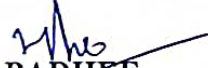
In view of above facts and circumstances and after going through the documents submitted by both the parties, the Forum pronounces the following order as per regulations of the OERC Distribution (Conditions of Supply) Code 2019.

Accumulated electricity arrear over the plot should be cleared before giving new service connection. Online payment received by OP against new connection must be returned within 15 days.

Case is disposed off accordingly.

Compliance report must be submitted to the Forum by the opposite party within one month after receipt of GRF order otherwise it will be treated as non-compliance.




K.S.PADHEE
CO-OPTED MEMBER


P.K.SAHOO
MEMBER (Fin.)


K.B.SAHU
PRESIDENT

Copy to: -

1. Sri Sai Ranjan Sahu, At/Po-Burda, P.S-Loisingha, Dist-Bolangir.
2. Sub-Divisional Officer, Electrical Sub-Division, TPWODL, Loisingha.
3. DFM/ AFM/ JFM, Bolangir Electrical Division, TPWODL, Bolangir.
4. Superintending Engineer, Electrical Circle, TPWODL, Bolangir.
5. Chief Legal, Head Quarter Office, TPWODL, Burla.

"If the Complainant is aggrieved with this order or non-implementation of the order of the Grievance Redressal Forum in time, he/she can make the representation to the Ombudsman-II, Qrs. No.3R-2(S), GRIDCO Colony, P.O:Bhoingar, Bhubaneswar-751022 within 30 days from the date of order of the Grievance Redressal Forums."