



GRIEVANCE REDRESSAL FORUM, BHAWANIPATNA

PLOT No. 283, PURUNAPADA, BHAWANIPATNA
KALAHANDI- 766001, TEL/FAX: - 06670 - 230012
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BENCH:

ER. RANJAN KUMAR NAIK (PRESIDENT),
SRI KAMALA KANTA PATTNAIK (MEMBER (FINANCE))
SRI BHAIKAB NAIK (CO- OPTED MEMBER)

Memo No. GRF/BPT/Order/ 833 (5)

Dated, the 27.01.2025

Quorum:

Er. Ranjan Kumar Naik - President
Sri Kamala Kanta Pattnaik - Member (Finance)
Sri Bhairaba Naik - Co-Opted Member

1	Case No.	Complaint Case No. BPT-441/2024																										
2	Complainant/s	Name & Address Iqbal Ali Khan, S/O. Late Amir Ali Khan, At/Po-Gandhi Chhowk, Bhawanipatna, Ps-Bhawanipatna, Dist- Kalahandi.	Consumer No Applicant for new service connection	Contact No. 77499-10013																								
3	Respondent/s	Name Rajesh Kumar Mishra, Executive Engineer, Subdivision. No I Bhawanipatna, TPWODL.	Division Kalahandi East Electrical Division, TPWODL																									
4	Date of Application																											
5	In the matter of-	<table><tr><td>1. Agreement/Termination</td><td>2. Billing Disputes</td><td>✓</td></tr><tr><td>3. Classification/Reclassification of Consumers</td><td>4. Contract Demand / Connected Load</td><td></td></tr><tr><td>5. Disconnection / Reconnection of Supply</td><td>6. Installation of Equipment & apparatus of Consumer</td><td></td></tr><tr><td>7. Interruptions</td><td>8. Metering</td><td></td></tr><tr><td>9. New Connection</td><td>10. Quality of Supply & GSOP</td><td>✓</td></tr><tr><td>11. Security Deposit / Interest</td><td>12. Shifting of Service Connection & equipment's</td><td></td></tr><tr><td>13. Transfer of Consumer Ownership</td><td>14. Voltage Fluctuations</td><td></td></tr><tr><td colspan="3">15. Others (Specify) -</td></tr></table>			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 & equipment's		13. Transfer of Consumer Ownership	14. Voltage Fluctuations		15. Others (Specify) -		
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6	Section(s) of Electricity Act, 2003 involved																											
7	OERC Regulation(s) with Clauses	<table><tr><td>1. OERC Distribution (Conditions of Supply) Code,2019; Clause(s) 17 & 49 (III)</td></tr><tr><td>2. OERC Distribution (Licensee's Standard of Performance) Regulations,2004; Clause</td></tr><tr><td>3. OERC Conduct of Business) Regulations,2004; Clause</td></tr><tr><td>4. Odisha Grid Code (OGC) Regulation,2006; Clause</td></tr><tr><td>5. OERC (Terms and Conditions for Determination of Tariff) Regulations,2004; Clause</td></tr><tr><td>6. Others</td></tr></table>			1. OERC Distribution (Conditions of Supply) Code,2019; Clause(s) 17 & 49 (III)	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																		
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8	Date(s) of Hearing	25.11.2024																										
9	Date of Order	27.01.2025																										
10	Order in favour of	Complainant	Respondent	Others																								
11	Details of Compensation awarded, if any.	Nil																										

CO- OPTED MEMBER

Co-Opted Member
GRF, Bhawanipatna

MEMBER (Fin.)

MEMBER
Grievance Redressal Forum
TPWODL, Bhawanipatna

PRESIDENT

PRESIDENT
GRF, Bhawanipatna



Place of Hearing: Office of GRF, Bhawanipatna

Appeared:

1. **For the Complainant** – Sri S. N. Pattanaik & Associates.
2. **For the Respondent** – Sri Rajesh Kumar Mishra, Executive Engineer, Subdivision No. I Bhawanipatna, TPWODL.

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Note- There has been some delay in disposal of the present case beyond stipulated 45 days due to several attempts for an amicable settlement between the parties.

GIST OF THE COMPLAINT:

The complainant as legal heir of recorded consumer under the territorial and statutory jurisdiction of respondent has submitted the complainant against the respondent for non-restoration of power supply of connection in his name which has been disconnected at his request by depositing the DC charges since 2002.

The complainant has been represented through his advocate and submitted during course of hearing in brief as follows:

- 1) The complainant has applied for reconnection of his old connection at Holding No.89 of Mahabirpada, Bhawanipatna by submitting the required application and submitting the R.O.R. which has been rejected by the respondent.
- 2) After rejection of his application on the citing Regulation 49 (iii) of the OERC Distribution (Condition of Supply) Code-2019, the complainant has approached Hon'ble High Court in W.P.(C) No.3608 of 2024.
- 3) While disposing off the writ petition vide order dt.22.08.2024, Hon'ble Court was pleased to direct that the grievance of the petitioner can be looked in to effectively by the concerned GRF constituted u/s.42(5) of the Electricity Act- 2003. Accordingly, Hon'ble Court without expressing any opinion on merit of either of the parties disposes of the writ petition with a direction that the petitioner if so advised, may approach the concerned GRF for redressal of his grievances. The petitioner may also approach the GRF for any interim relief/power connection.
- 4) Accordingly, the complainant has approached this forum for redressal of her grievance.

The complainant has prayed to direct for restoration of his old connection.

SUBMISSION OF OPPOSITE PARTY IN BRIEF:

The OP (Executive Engineer, Subdivision No. I, Bhawanipatna) in his counter reply and course of hearing submitted PVR along with the written version so also a list of consumers having connection over the premises of Holding No.89 & 92. The written version submitted by EE, Subdivision No. I, Bhawanipatna states that the application of the complainant laid



before this forum is devoid of merit for consideration, not maintainable, suppression of facts, misrepresentation of facts, vexatious frivolous and not true etc. It is further contended by the O.P that the applied restoration of power supply over the premises is coming under Holding No.89 of Mahabirpada recorded in the names of Asraf Ali Khan & others which is a disputed land under claim of several persons. Besides this there was a connection (Now as disconnected) over the holding no.92 in the name of recorded owner Asraf Ali Khan bearing consumer No. 903511100027 having pended recoverable arrear amounting to Rs. 6,64,454/- which was found while inspecting the premises for consideration over the application of the present complainant. The present premises have a connection vide consumer no.903511080152 in the name of Amir Ali Khan is having recoverable arrear of Rs47,336.32. In spite of several requests, the complainant has not submitted the details of interested persons over the premises and the details of persons liable to clear the arrears in the name of Amir Ali Khan or recorded owner Asraf Ali Khan. With such findings the O.P has expressed his inability to restore the old service connection without clearance of pending arrear in the name of family members of the applicant so also the applied premises under the purview of Reg.49 (iii) of the OERC, Distribution (Condition of Supply) Code-2019. At present the complainant's premises are getting a power supply in the name of Adil Khan vide consumer no.903511100442.

By way of rejoinder, the O.P has further intimated the forum that there are long standing civil disputes pending in courts at Dharmagarh, so also at Bhawanipatna amongst the co-sharers relating to the present premises so also other landed properties.

FINDINGS / OBSERVATIONS OF THE FORUM

On perusal of the complaint petition with all relevant enclosures as well as submission of OP, billing statement & list of consumers; the forum observes that: -

- In the order dt.22.08.2024 of W.P.(C) No.3608 of 2024, Hon'ble High Court of Orissa has not expressed any merit of either of the parties and has asked the petitioner to approach this forum against rejection of his claim vide order dt. 09.05.2022. So, this forum is confined only to examine the correctness of order dt.09.05.2022 of the O.P. in rejecting the claim for restoration of power supply.
- As verified from records no copy of any rejection order dt.09.05.2022 has been placed before this forum to verify the contentions there in. However, taking in to account the admitted submission from both sides it is believed that the claim for restoration of power supply advanced by the complainant has been rejected by the O.P.
- The premises in question have several old connections in the name of different persons out of which some are having arrears.
- The disconnected connection in the name of recorded owner Asraf Ali Khan is having recoverable arrear of Rs6,64,454/- which of course situates over Holding no.92 still the present premises is also recorded in the name of said Asraf Ali Khan & Others.



- The complainant is not disclosing the name and relationship of present occupants with the recorded names in the R.O.R so also with Asraf Ali Khan so as to take steps for recovery of arrears in line with scope provided under Supply Code.
- There are civil disputes pending in the court of law regarding title and possession/ share over the premises amongst the occupants.
- In line with Reg.49 (iii) of the OERC Distribution (Condition of Supply) Code-2019, no fresh application for power supply has been submitted by the complainant since the disconnection in question is of the year 2002.
- The complainant is silent about intention towards clearance of pending arrear.
- The complainant is availing power supply through a running connection in the name of one Adil Khan bearing consumer no.903511100442.
- The O.P has valid and legal reason under Reg.49 (iii) of the Supply to deny for release of new power supply over a premise already having power supply, disputed title and possession so also pending old arrear.
- The complaint of the complainant is not clear, conclusive and suffers from misrepresentation so also suppression of material facts and as such he is not entitled for the relief applied for.

ORDER

Basing on above observations, the forum passes order that reconnection of the power supply to the premises is not feasible as per regulations of OERC Distribution (Conditions of Supply) Code 2019 and the rejection for the same by the O.P is justified. Hence the complaint is dismissed being devoid of any merit.

The case is disposed of accordingly.


B. NAIK
Co-Opted Member

Co-Opted Member
CRF, Bhawanipatna


K.K. PATTNAIK
MEMBER (Fin.)

MEMBER
Grievance Redressal Forum
TPWODL, Bhawanipatna


R.K. NAIK
PRESIDENT

PRESIDENT
CRF, Bhawanipatna

Copy to: -

1. Iqbal Ali Khan, S/O. Late Amir Ali Khan, At/Po-Gandhi Chhowk, Bhawanipatna, Ps-Bhawanipatna, Dist- Kalahandi
2. Executive Engineer, Subdivision No. I, Bhawanipatna, TPWODL.
3. Superintending Engineer, Electrical Circle, TPWODL, Kalahandi.
4. Chief Legal, Head Quarter Office, TPWODL, Burla.

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