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Grievance Redressal Forum
TPWODL, BURLA
Quarter No: SD-6/2, Sourav Vihar, Near NAC College,
Burla, Bargarh, Pin- 768017
Email: grf.burla@tpwesternodisha.com, Ph No.0663-2999601
Bench: A.K.Satapathy, President B.Mahapatra (Co-opted Member) and A.P.Sahu, Member (Finance)

GRIEVANCE REDRESSAL FORUM TPWODL Burla

Ref: GRF/Burla/Div/SED/ (Final Order)/ 1875 (4)

Date: 31/07/24

Present: Sri A.K. Satapathy, President
Sri B.Mahapatra (Co-opted Member)
Sri A.P.Sahu Member(Finance)

1	Case No.	BRL/264/2024				
2	Complainant/s	Name & Address		Consumer No	Contact No.	
		Deepak Kumar Sahaya At/Po-Modipada Ps-Town Dist-Sambalpur		4117-2112-0322	8895508408	
3	Respondent/s	S.D.O (E),Ainthapali		Division S.E.D, TPWODL, Sambalpur		
4	Date of Application	02.04.2024				
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 √				
		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	18.04.2024				
9	Date of Order	31/07/24				
10	Order in favour of	Complainant	√	Respondent		Others
11	Details of Compensation awarded, if any.	NIL				

Place of Camp: GRF Office, TPWODL,Burla

Appeared

For the Complainant- Deepak Kumar Sahaya

For the Respondent - SDO(Electrical),Ainthapali, TPWODL.

GRIEVANCE REDRESSAL FORUM TPWODL Burla

GRF Case No- BRL/264/2024

Deepak Kumar Sahaya
At/Po-Modipada
Ps-Town
Dist-Sambalpur
Con No-4117-2112-0322

COMPLAINANT

VRS

SDO(Electrical), Ainthapali, TPWODL.

OPPOSITE PARTY

GIST OF THE CASE

Deepak Kumar Sahaya has appeared the hearing on Dt. 18.04.2024 at GRF Office, Burla and submitted a written complaint wherein he has stated that "I have a premises at Ainthapali, P.0-Ainthapali, P.S-Ainthapali, Dlst-Sambalpur, and it had an electricity connection in my late father's name i.e. Late Surya Kumar Sahaya and after the death of my father I had applied for changing the consumer's name in my favour. But the TPWODL staffs rejected my application, stating that my documents are not complete and rejected the application. Further I was forced to pay the dues of my one-time tenant M/S Surekha Gupta, who had left the rented premises in 2014, adding in negative, that until I will not pay the same, they will not give me electricity connection. They also suggested me to continue in the said electricity connection in the name of M/S Gupta.

After some time, I had also applied for electricity connection in my wife's name but the same was also in vain. Being paralyzed from all directions I used the connection in the name of my tenant who had taken the same without my permission and knowledge, paying the monthly bills, feeling deprived of my fundamental rights.

But suddenly a vigilance teem raided my premises, they disconnected the connection, which was in the name of my said tenant and stated that, the display of the meter is damaged and has been tampered by some chemicals injected in it, to which I had no knowledge and I had also served a pleaders notice to TPWODL but they did not pay any heed to my difficulties, instead they replied with a notice to me on the very same day; and again harassed me to pay the outstanding amount of M/S Gupta, finding no way after a month I paid a sum of Rs.15000 for reconnection of the same.

Sir, being a citizen of India, it's my fundamental right to take a electricity connection in my name and I am in no way liable for the outstanding dues of M/S Gupta who had taken the electricity connection without my consent and forcing me to pay the same is an illegal act on the part of TPWODL. Such immoral and illegal act of TPWODL amounts harassing me mentally and abusing my right to life under Article 21 of the Constitution.

In the aforesaid facts and circumstances, it is therefore prayed before you to intervene into this, matter and pass an order to give me a fresh electricity connection in my name or to resume' the connection in my father's name in my favour in the interest of justice. And for which act of yours I shall remain ever grateful to you."

SUBMISSION OF OPPOSITE PARTY

The opposite party has submitted billing abstract from March 2007 to Feb 2024 and a written statement in this case. In the written statement the opposite party stated that: -

1. The existing power supply extended to the premises situated in front of ICICI Bank, Ainthapali, being owned by Late Surya Kumar Sahaya, is having electricity consumer no. 4117-2112-0322.
2. The owner had let out the premises to Ms Surekha Gupta and billing is generated on the tenant's name till date. Sri Deepak Kumar Sahaya, son of Late Surya Kumar Sahaya, had applied for change of name in the bill to his name, being the legal heir of the premises.
3. But the name change could not be entertained since, there was arrear amount of bill on the date of name change application.
4. After some days, Sri Deepak Kumar Sahaya again applied for new power connection in the name of his spouse, which was also not entertained as per OERC Regulation under Section 17(i) and (vi), which is laid down as follows:

   [17. (i) If the applicant in respect of an earlier agreement executed in his father name or in the name of his spouse, son, daughter, parents or in the name of a firm or company with which he she was associated either as a partner, director or managing director, is in arrears of electricity dues or other dues for the same premises or his/her other premises situated in the same DISCOM or any other DISCOM in the State, the application for supply shall not be allowed by the engineer until the arrears are settled and paid in full.

   (vi)Any charge /or electricity or any sum other than charge for electricity as due and payable to licensee supplier which remains unpaid by a deceased consumer or the erstwhile owner/occupier of any land/premises as the case may be, shall be a charge on the premises transmitted to the legal representative/ successor-in-law or transferred to the new owner/occupier having lawful occupation of the premises as the case may be, and the same shall be recoverable by the licensee supplier as due from such legal representative or successor-in-law or new owner occupier having lawful occupation of the premises as the case may be.]
5. As such, providing of a new power supply to the existing premises in the name of the legal heir Sri Deepak Kumar Sahaya is beyond regulation.

The opposite party is requested the Honorable Forum to set aside the case filed by Sri Deepak Kumar Sahaya and pass necessary order advising Sri Sahaya to clear the outstanding electricity bill of the premises, if not possible in one instance, then may be on installments.

OBSERVATION

The case is pursued with all documents available in records submitted by both parties and merit of the case. On examining the case in details, the Forum observed that the complainant is a Commercial consumer having CD 3KW as seen from FG/Samadhan App. This Forum has gone through the grievance petition of the complainant & found that earlier the above complainant has filed a case before National Lok Adalat & later on withdraw the case. As seen from petition of the complainant as well as W/S of opposite party, the above complainant has applied for change of name & also a New Service Connection in the name of spouse which was rejected by opposite party w.r.t regulation 17(i) & 17 (v) of OERC Distribution (Conditions of Supply) Code,2019. But the opposite party has forgot to apply regulation 17(iii) for pro-rata allotment of arrear of all the legal heir. Either the complainant might not be submitted the legal heir certificate/succession certificate of late

Surya Kumar Sahaya (father of the complainant) & that reason might be the opposite party overlook the regulation 17(iii). In the grievance petition the complainant has admitted that M/S Surekha Gupta has a one time tenant & who had left the rented premises in 2014 & the power supply is continuing till date where it is seen that payments were receipt by the opposite party at different dates with different amounts. In Dec 2014 the amount of outstanding was Rs.37142.80, the billing is going on in the name of Surekha Gupta till date as not followed the regulation for name change by the complainant despite advice of opposite party. During course of hearing the complainant stated that M/S Surekha Gupta not known & the power supply has been effected is to be treated as null & void and not acceptable because the power supply was provided since long & the complainant or father of the complainant have enjoyed the rent benefit from the tenant M/S Surekha Gupta. The complainant is trying to avail the benefit out of law denying know nothing about Surekha Gupta but utilize the power supply. In the course of scrutiny of ledger, it came to notice of the Forum that a debit sundry amounting of Rs.67986.00 has been effected in billing by opposite party in Oct 2017 & in course of hearing it was known that it was the penalty amount due to theft of energy by complainant and more confirm that power supply has ben used through direct supply & in that supply (theft of energy) but never try to clear the bill hence showing as outstanding. In these circumstances, the opposite party may consider the change of name/release of new service connection/both the cases followed by terms & conditions in regulation 17(i), 17(iii) & 17(v) as per applicability on production of documentary evidence like legal heir/succession certificate of late Surya Kumar Sahaya, land documents, NOC of legal heir etc as well as clearance of the electricity dues stands in consumer number 4117-2112-0322 or otherwise nothing to be consider by opposite party. However, the complainant may approach to opposite party for settlement of penalty subject to approval of penalty committee formed for the purpose as this Forum is having no authority on penalty matter. The complainant may approach to opposite party for bill revision & the opposite party may revise the bill basing on the regulation & applicability if found fault in the billing system. The complainant/legal heirs of Late Surya Kumar Sahaya/the user of power supply in consumer Number 4117-2112-0322 is/are liable to clear the arrear stands in the above consumer number.

Hence it is the opinion of the Forum that the opposite party is liable (i) either to the change of name or release of new service connection or both as the case may be followed by terms & conditions in regulation 17(i), 17(iii) & 17(v) of OERC Distribution (Conditions of Supply) Code,2019 as per applicability on production of documentary evidence like legal heir/succession certificate of late Surya Kumar Sahaya, land documents, NOC of legal heir etc as well as clearance of the electricity dues stands in consumer number 4117-2112-0322 or otherwise nothing to be consider by opposite party. (ii) the penalty amount so debited during Oct 2017 may be considered by opposite party after approval of committee on approached to do so by the complainant. (iii) the bill of consumer No 4117-2112-0322 may be consider for revision if allowed as per regulation & applicability thereon followed by written approach/application for the same to opposite party subject to approval of competent authority of license.

ORDER

After careful consideration of hearing and data submitted by both parties the Forum is pleased to pass the Order as follows.

1. The Opposite Party is directed to (i) either to the change of name or release of new service connection or both as the case may be followed by terms & conditions in regulation 17(i), 17(iii) & 17(v) of OERC Distribution (Conditions of Supply) Code,2019 as per applicability on production of documentary evidence like legal heir/succession certificate of late Surya Kumar Sahaya, land documents, NOC of

legal heir etc as well as clearance of the electricity dues stands in consumer number 4117-2112-0322 or otherwise nothing to be consider by opposite party and the penalty amount so debited during Oct 2017 may be considered after approval of committee as well as the bill of consumer No 4117-2112-0322 may be consider for revision if allowed as per regulation & applicability thereon followed by written approach/application for the same to opposite by complainant party on approval of competent authority of license.

2. The complainant is directed to apply/approach to opposite party in writing for settlement of penalty issue & consideration of bill revision basing on the applicability w.r.t regulation as well as submit the relevant documents as mentioned/as per requirement of opposite party to avail the benefit of either to the change of name or release of new service connection or both followed by regulation 17(i), 17(ii) & 17(v) of of OERC Distribution (Conditions of Supply) Code,2019 as per applicability.
3. The Opposite party is directed not to consider the bill revision for the period already revised earlier/for the period of penalty/in both cases if any as applicable as not submitted any information for the same.
4. 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.
5. 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 adjustment for the payments made by the complainant and ensure payment thereof.
6. The Opposite Party is directed to collect the revised bill amount and on non-payment, served the Disconnection Notice to the Complainant as per Indian Electricity Act,2003 under Section 56(i) and disconnect the power supply accordingly.
7. 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 avoid disconnection.
8. ***Opposite party is directed to submit the compliance report to this Forum within one month from the date of issue of this order as the case may be.***

Accordingly, the case is disposed of.

B.Mahapatra)	**(A.P. Sahu)**	**A.K. Satapathy**
(Co-Opted Member)	Member (Finance)	(President)
Co-opted Member Grievance Redressal Forum TPWODL, Burla - 768017	Member Grievance Redressal Forum TPWODL, Burla - 768017	President Grievance Redressal Forum TPWODL, Burla - 768017

Copy to:-

1. Deepak Kumar Sahaya, At/Po-Modipada, Ps-Town, Dist-Sambalpur
2. Sub-Divisional Officer (Elect.) Ainthapali, TPWODL, with the direction to serve one copy of the order to the Complainant/Consumer
3. Executive Engineer (Elect.), SED, TPWODL, Sambalpur
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".)