

**Grievance Redressal Forum
TPWODL, BURLA**

Quarter No: SD-6/2, Sourav Vihar, Near NAC College,
Burla, Sambalpur, 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)



Ref: GRF/Burla/Div/SED/ (Final Order)/ 102(4)

Date: 06.03.2025

Present: Sri A.K.Satpathy, President.
Sri B.Mahapatra (Co-opted Member),

1	Case No.	64 of 2023			
2	Complainant/s	Name & Address	Consumer No	Contact No.	
		Sri Nimai Ch. Ghosh At -Qtr. No-E-29/6, Po- Burla, Dist-Sambalpur	4113-3301-0297	9437403067	
3	Respondent/s	S.D.O(Electrical) Burla,TPWODL,		Division S.E.D, TPWODL, Sambalpur	
4	Date of Application	25.05.2023			
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	09.06.2023/ 11.03.2024/ 11.12.2024/ 07.01.2025			
9	Date of Order	06.03.2025			
10	Order in favour of	Complainant	√	Respondent	Others
11	Details of Compensation awarded, if any.	NIL			



Appeared

For the Complainant- Sri Nimai Ch. Ghosh

For the Respondent - SDO(Elect.), Burla, TPWODL, Sambalpur.

GRF Case No- 64/2023

(1) Sri Nimai Ch. Ghosh

At -Qtr. No-E-29/6,

Po- Burla,

Dist-Sambalpur

Consumer No.- 4113-3301-0297

VRS

(1) SDO(Elect.) Burla, TPWODL, Sambalpur

COMPLAINANT

OPPOSITE PARTY

GIST OF THE CASE

The Complainant filed the petition in the name of Nimai Ch. Ghosh bearing Consumer No **4113-3301-0297** under SED, TPWODL, Sambalpur stated about billing dispute. The above complainant has also submitted the copy of order of Hon'ble High Court of Orissa, Cuttack in Case No W.P(C) 23031 of 2024 on 29.11.2024.

Hence, the Complainant prayed before the Forum to consider the case for revision/rectification.

SUBMISSION OF OPPOSITE PARTY

The Opposite Party has submitted PVR but not clearly visible & also submitted the Written statement along with copy of order of Hon'ble High Court of Orissa, Cuttack in Case No W.P(C) 23031 of 2024 on 29.11.2024 in this case.

Observation Cum Background of the Case

1. Sri Nimai Ch Ghosh filed a complaint in this Forum which was received by this Forum on 25.05.2023. In the said complaint Sri Ghosh has stated that

"My consumer No 4113-3301-0297 and security deposited dt.24.08.2015 Rs.2688/- also regularly deposited electricity bill, but the arrear amount Rs.1,72,088/- imposed my favour which I purely wrong.

I have to meet several times physically and written to Junior Engineer and Sub-Divisional Officer. But sorry to say that no suitable action has been taken till date.

In this regard you may verify the case and consider my case. It is noted that one meter No 1950226 was defective examine by your department (copy enclosed). I am very much suffering from the above matter."

He had also enclosed the following along with his initial application to this Forum

- I. Electricity bill of Consumer No 4113 3301 0297 for Sept 2018.
- II. Electricity bill of Consumer No 4113 3301 0297 Dt. 15.01.2023.
- III. Electricity bill of Consumer No 4113 3301 0297 for March 2021.
- IV. PVR No 0006634 Dt.-Not Visible where the load is mentioned as 1995 Watts with the remark that "service connection by passed before the meter for 1.5KW load."
- V. Application of Sri Ghosh to SDO, Burla Dt 21.09.2021.
- VI. Application of Sri Ghosh to SDO, Burla Dt 28.12.2021 with copy to EE, TPWODL, Burla.
- VII. MR No B6 1094173 Dt.24.09.2021 for Rs.59.00 as meter testing fees paid by Sri Nimai Ch Ghosh, Con No 4113-3301-0297.

VIII. L No 407 Dt.29.09.2021 of SDO, MRT, TPWODL, Burla addressed to Junior Manager Section -III, BRL, TPWODL, Burla along with Meter Testing Report of meter No 1950226 Make Elymer as on enclosure where meter has been declared as defective.

2. After receipt of this complaint from Sri Nimai Ch Ghosh this Forum registered it as Case No 64 of 2023 Dt.25.05.2023 and listed for hearing on 09.06.2023. Accordingly, the complainant and the opposite party i.e., SDO(Elec), Burla were notified vide this Forum L No 124(3) Dt.02.06.2023.
3. On 09.06.2023, both the parties remained absent. The opposite party was contacted over phone and facts of the case was learnt. The complainant has already stated his point of view on 25.05.2023 at the time of lodging of the complaint. Hence, to dispose of the case and to give benefit to the consumer the case was disposed off as per the memo thereof. The order was made vide No 1255(4) Dt.26.12.2023 where benefit was given to the complainant as under.

"The Opposite Party is directed to revise the bill of the consumer for the period from 18.08.2021 to 17.12.2021 basing on the consumption recorded in meter sl. no." WLT 339902" taking the IMR as "zero" kwh on 18.08.2021 and FMR as "1506" kwh on 14.01.2022 and the daily/monthly actual average consumption thereof as well as settled the penalty case and also go for further verification and act accordingly."

After the said order, the opposite party also complied with it and revise the bill accordingly and reflected the same in the bill but the complainant has neither applied before the Opposite Party nor the competent authority for settlement of penalty as this Forum has no jurisdiction/authority on penalty issues hence, order in regards to penalty issue cannot be considered here.

4. After learning about the above revision of the bill Sri Nimai Ch Ghosh approached this Forum and submitted copies of
 - (i) M R No A7 1848110 Dt.24.08.2015 for Rs.2538/- as security deposit and Rs.150/- as RC fees.
 - (ii) MR No A7 1848111 Dt. 24.08.2015 for Rs.7312/-

He further requested that his case may be further heard and proper justice be given to him as he has not stayed in the said quarter nor used the power supply before 24.08.2015.

5. As the Forum got convinced that Si Nimai Ch Ghosh has deposited an amount of Rs.2538/- as Security Deposit on 24.08.2015. So, the matter to give proper justice to the case and accordingly notified both the parties vide L No 20(2) Dt.02.03.2024 to appear this Forum on 11.03.2024 for hearing.
6. On 11.03.2024 both the parties appeared for the hearing. The complainant Sri Nimai Ch Ghosh was present and for the opposite party Bijay Ku Mahana. OAG-II was present. The opposite party also submitted a fresh PVR No 5391/269517 made on the date (11.03.2024).
7. At the time of hearing, Sri Ghosh argued that he has occupied the said quarter E-29/6 on 23.05.2015 when the power supply was in the name of previous occupant with huge amount as arrear. He had requested the authorities of licensee to bifurcate the outstanding amount and to issue bill in his name. The authorities of licensee asked him to deposit fresh security deposit in his name. Accordingly, he deposited Rs.2538/- as security deposit and Rs.150/- as Reconnection charges on 24.08.2015. This Forum also verified this facts from the MR No 1848110 Dt.24.08.2015 made for old Con No D35-N-48.

When asked about the quarter allotment order, Sri Ghosh replied that he has lost the document. The opposite party also agreed to the above fact of deposit of Security Deposit.



8. After the hearing on 11.03.2024, this Forum passed on corrigendum Order No 1617(4) Dt.30.03.2024 to its earlier order Dt.26.12.2023 arising out of complaint Case No 64/2023 modifying in all respect as under:
- A. The Opposite Party is directed to revise the bill of the consumer in the following manner: -
- Levy fixed cost for the period from Jun-Jul'2002 to Jan'2005(For the LD periods).
 - The bill to be revise for the period from Aug'2006 to 17.12.2021 basing on the consumption recorded in meter sl. no." WLT 339902" taking the IMR as "zero" kwh on 18.08.2021 and FMR as "1926" kwh on 17.02.2022 and the daily/monthly actual average consumption thereof as well as settled the penalty case & also go for further verification and act accordingly.
 - Segregate the outstanding in two parts after revision up to 23.08.2015(1st) and from 24.08.2015 to till date(2nd) where the complainant is liable to clear the dues due on in 2nd part.
 - The balance so derived in 1st part (up to 23.08.2015) to be transferred to inoperative account and not given in bill of the complainant.
 - Necessary steps will be taken by the opposite party to collect the same either from the department or from the previous occupier of that quarter as per feasibility and suitability as applicable with reference to law.
9. On 29.11.2024, SDO(Elec), Burla who was the opposite party in the Case No 64/2023 of GRF, Burla submitted to this Forum a petition/written statement w.r.to direction of Hon'ble High Court of Orissas along with copy of order which are given below.

Theme of Petition/Written Statement submitted on 29.11.2024 by opposite party: -

"BEFORE THE GRIEVANCE REDRESSAL FORUM, BURLA

GRF Case No. 64 of 2024

Nimai Charan Ghosh

.....Complainant

Versus

S.D.O. (Elect.) Burla, TPWODL

.....Opposite Party

The Licensee/Opposite Party in the above-noted case begs to submit as follows:

- That, the afore-mentioned GRF case has been disposed by the GRF vide its order dated 26.12.2023 followed by a corrigendum order dated 30.03.2024.
- That being aggrieved by the afore-mentioned order(s) of the Ld. GRF, the Licensee filed a review application before this forum with a prayer to review its earlier order(s) which was rejected by the Ld. Forum.
- That, being aggrieved by the rejection order of the GRF of the review application, the Licensee/O.P. approached the Hon'ble High Court of Orissa by filing a writ petition which as registered as W.P. (C) No. 23031 of 2024.
- That, the Hon'ble High court of Orissa after hearing both the parties vide its order dated 21.11.2024 has quashed the corrigendum order dated 30.03.2024 and directed both the parties to appear before the GRF, Burla on 29.11.2024 for further instruction and speedy disposal of the case.



President

5. That in view of the afore-mentioned development, the Licensee/O. P. herewith files the order dated 21.11.2024 of the Hon'ble High Court of Orissa in W.P. (C) No. 23031 of 2024 for further instruction/hearing by this Forum in the above-mentioned case.

By Opposite Party

Date: 29.11.2024

Burla

S.D.O. (Elec) Burla

TPWODL

He has further enclosed the copy of order of Hon'ble High Court of Orissa at Cuttack in W.P (C) No 23031 of 2024 as under

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No 23031 of 2024

***S.D.O. Electrical, Sambalpur
Electrical Division (SED),
TPWODL, Sambalpur***

.....Petitioner

Mr. P.K. Tripathy, Advocate

-versus-

Nimai Charan Ghosh

....Opposite Party

In Person

CORAM:

Mr. JUSTICE K.R. MOHAPATRA

Mr. JUSTICE V. NARASINGH

ORDER

21.11.2024

Order No.

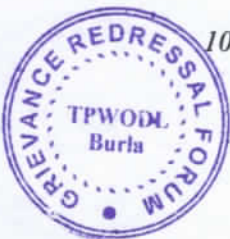
03

1. This matter is taken up through hybrid mode.
2. Order dated 30.03.2024 under Annexure-5 passed in GRF Case No.64 of 2023 is under challenge in this writ application whereby the Grievance Redressal Forum, TPWODL, Burla reviewed its order dated 26.12.2023 under Annexure-3 passed in the said case.
3. Mr. Tripathy, learned counsel for the Petitioner-TPWODL" submits that raising a billing dispute, the Opposite Party-Consumer filed a complaint case before the Grievance Redressal Forum, TPWODL, Sambalpur which was registered as GRF Case No.64 of 2023. The said grievance petition was disposed of vide order dated 26.12.2023 under Annexure-3 directing to revise the bill in terms of the direction in the said order. Accordingly, the Petitioner revised the bill.



However, the Opposite Party-Consumer being not satisfied moved the said Grievance Redressal Forum (GRF) and the impugned order under Annexure-5 has been passed.

4. It is his submission that the GRF lacks jurisdiction to revise its own order. Since no notice was served on the Petitioner evidently opportunity of hearing was not afforded before passing of the impugned order at Annexure-5. It is the contention of the learned counsel for the Petitioner-TPWODL that since the order at Annexure-3 had already been acted upon it was not open to be reviewed by the impugned order at Annexure-5. As such the impugned order is patently without jurisdiction and is liable to be set aside.
5. The Opposite Party-Consumer who appears in person states that his name has been inadvertently stated as "Nimai Charan Ghosh" in the cause title of the writ petition but it should be "Nimai Chandra Ghosh". Although he was advised to engage a legal practitioner to pursue the matter but he preferred to argue in person.
6. It is his submission that initial order under Annexure-3 was passed ex-parte for which the GRF reconsidered his grievance and passed the impugned order under Annexure-5. He was not given any opportunity of hearing when the matter was initially heard by the GRF before passing the order under Annexure-3. He also relied upon the decision of the Apex Court in the case of **Grindlays Bank V. Central Government Industrial Tribunal** reported in AIR 1981 SC 606 and submits that the recall of ex-parte order by the Tribunal does not amount to review. Thus, the contention of Mr. Tripathy, learned counsel for the Petitioner-TPWODL is per se not acceptable. And, since a reasoned order has been passed by the
7. Considering the submission made by the learned counsel for the parties and on perusal of the record, more particularly the order under Annexure-3, it appears that the complainant namely, Nimai Chandra Ghosh had appeared before the Camp Court of GRF, Burla on the date of initial adjudication of his complaint case i.e. GRF Case No.64 of 2023.
8. However, admittedly Annexure-5 has been passed as corrigendum to the order under Annexure-3. It appears that the order under Annexure-5 was passed on a petition filed by the Opposite Party-Consumer. The said petition has not been placed for perusal of this Court. Apparently, no notice of the subsequent proceeding in GRF Case No.64 of 2023 was either issued or served on the Petitioner-TPWODL before the impugned order under Annexure-5 was passed. It further appears that by virtue of the order under Annexure-5 the order at Annexure-3 has been materially altered. As such this Court is of the considered view that the Petitioner-TPWODL should have been given an opportunity of hearing before the order under Annexure-5 was passed.
9. Ex-facie, the impugned order under Annexure-5 suffers from non-compliance of principles of natural justice. It is apt to note that the Petitioner-TPWODL did not get any opportunity to raise the issue with regard to maintainability of subsequent adjudication under Annexure-5 before the GRF. Hence, Annexure-5 is not sustainable.
10. Accordingly, the impugned order under Annexure-5 is set aside and the matter is remitted to the GRF, TPWODL, Burla for fresh consideration of the petition filed for recall/review of the order under Annexure-3.



11. The Petitioner-TPWODL is at liberty to raise objection with regard to maintainability as well as on merit by filing a comprehensive objection to such application on being served with a copy of the same.
 12. In order to avoid delay in the matter, both the parties are directed to appear before the GRF, TPWODL, Burla on 29.11.2024 to receive further instruction in the matter and on their appearance the GRF, TPWODL, Burla shall take necessary steps to conclude the proceeding as expeditiously as possible preferably within a period of one month from the date of such appearance.
 13. Both the parties are directed to cooperate with the GRF for early disposal of the proceeding.
 14. The write petition is accordingly disposed of.
10. On 27.12.2024, the complainant has also submitted another written grievance whose details are given below:
- A. That, the petitioner by name Nimai Charan Ghosh (myself) has filed a petition before GRF in the matter of Electric billing in excess and claims as the Sub-Division Officer, TPWODL, Burla (Opposite Party) has arbitrarily imposed him this litigation. However, he tried to summarize the problems created by the Opposite Party following submissions.
 - B. That, the petitioner is a domestic consumer of the Opposite Party electricity supply company being consumer No 4113 3301-0297 under S.D.O TPWODL, Sambalpur. Since, he paid security deposit of Rs.2688/- vide receipt bearing No A71848110, Dt.23.03.2015 and then the Opposite Party issued Money Receipt. More over the present Opposite Party took Rs.70000/- extra and issued a receipt without mentioning as to why that amount has been taken. The present petitioner being anxious to have the electric line paid the said extra amount.
 - C. That, the petitioner received a bill of Rs.1,72,088/- which was assessed by Opposite Party without taking him into confidence. The opposite party filed an objection on dt.02.02.2023 (Annexure-2) before the Grievance Redressal Forum, TPWODL, Burla (Hereinafter called GRF). The objection is registered as GRF Case NO 64/2023 in which he disputed the amount as wrongly assessed and further submitted an application on dt. 15.03.2024 to SDO, Burla wherein he prayed for revision/rectification of the amount.
 - D. That, the GRF is a functionary under Electricity Law and at present under the Electricity Supply Company i.e the petitioner having jurisdiction to deal dispute/objection/complain/allegation and/or any other matter between the consumer of energy and service provider such as TPWODL.
 - E. That, the GRF after taking due care with security of documents and deliberation, they felt the necessity of modification of the order and issue fresh order on dt.23.03.2024 with change of earlier one dt.26.12.2023. the analysis, observation leads to the latest order on Dt.23.03.2024.
 - F. That, the order dt.26.12.2023 was passed by GRF on the requisition of the opposite party and without hearing the present petitioner and modified order dt.23.03.2024 is passed only after objection by him was received for reconsideration the earlier order and after giving a chance of hearing to the opposite party hearing to the petitioner wherein finding genuineness of his objection the order dt.26.12.2023 was revised and rectified which is justified and legal. Since the present petitioner has occupied the quarter and deposited the security money for electrical connection. He is registers of billing and receipt are maintained by the present Opposite Party let them present their case cleanly and any



excess amount which has claimed the considered towards his excess payment and adjusted in the current subsequent bills.

11. The opposite party has submitted the copy of the letter was issued in Favour of S.E, Main Dam Division Burla (L No .1383 Dt.17.12.204) where it was requested to provide the allotment letter of N C Ghosh for Quarter No E-29/6. The letter as it is given below:-

“Sub-Requirement of allotment order of Sri Nimai Charan Ghosh Qtr No E-29/6

As per subject cited the above mentioned consumer has approached this office and the GRF regarding his bill dispute. The consumer has been asked to submit the quarter allotment order but has not submitted yet. Inorder to resolve the bill dispute of the consumer and onward submission of the same to the President GRF, Burla kindly provide the allotment order of E-29/6 (Cons No 4113 331 0297) allotted to ri Nimai Charan Ghosh at an early.”

12. S.E Man Dam Division Burla has given the reply to SDO(Elec), Burla w.r.t L No .1383 Dt.17.12.204 vide their L No 293/07.01.2025 whose details are as below:-

“Sub-Regarding allotment of Quarter No E-29/6 at Burla.

Ref:-Your Letter No 1383 Dt. 17.12.2024.

With reference to the subject, it is to intimate that, Qrs No E-29/6 at Burla was allotted to the General Secretary Hiraakud Dam Mazdoor Sangha, Burla vide this Office Order No 16650 dt. 09.11.1998. As per records Sri Nimai Charan Ghosh, Worksarkar Gr-II (Retired) was forcibly and unauthorised occupant of the said Govt quarter as a member of that Union. In the mean time due to nonpayment of licensee Fee as per Govt norms the said quarter has been cancelled w.e.f 01.04.2004, vide this office order No 4466 Dt.23.05.2007. However Sri Nimai Chran Ghosh is now residing unauthorisedly in the same quarter E-29/6 and constructed number of Shops inside the quarter premises unauthorisedly for commercial purpose without prior approval.”

13. Further, S. E Man Dam Division Burla has given another reply to SDO(Elec), Burla vide L No 541/10.01.2025 where it was mentioned that the date of cancellation of allotment of quarter as 01.04.2004 instead of 01.04.2007 whose details are as below:-

“Sub:-Regarding allotment of Quarter No E-29/6 at Burla

Ref:- i) Your letter No 1383 Dt.17.12.2024

ii) This office letter No 294 Dt.07.01.2025.

With reference to above cited letter, it is to intimate that, the date of cancellation of this quarter may please be read as 01.04.2004 instead of 01.04.2007.”

14. On going through the records, it is noted by this Forum that the quarter was allotted in Favor of General Secretary, Dam Mazdoor Sangh, Burla Vide Office Order No 16650 Dt.09.11.1998 by S.E Main Dam Division Burla & also cancelled the allotment since 01.04.2004 by the authority vide Office Order 4466 Dt.23.05.2007. It is also pertinent to see that Sri Ghosh was forcibly and unauthorisedly acquire the quarter



even if after ^{retirement} ~~retainment~~ from service & at present is residing in that quarter unauthorisedly as well as constructed no of shops in side the quarter of premises with out approval of competent authority which to be treated as unlawful.

15. As learnt, SDO , MRT, Burla has tested the meter bearing SI No 1950226 was installed in the premises of the complainant having consumer No 4113-3301-0297 & found that the meter was defective but nowhere mentioned the date of testing of meter also not put the date in the in the signature which to be treated as unfair but the date of replacement may be considered as if done during Sept-2021 if the L No 407 Dt.29.09.2021 of SDO, MRT to be account for. Details of both SDO, MRT letter & testing report are described below: -

A. Details of Letter:-

“Sub: - Challenge meter testing of 01 number of Elymer Single Phase meter.

With reference to the above cited subject, 01 (one) no of Elymer single phase meter bearing SI No 1950226 of consumer name- Nimai Ch Ghosh bearing consumer no 4113-3301-0297 was deposited by you at MRT Burla laboratory for testing. The meter was tested and found defective. The test result is enclosed herewith for your reference.”

B. Details of Test Report:-

- 1) Meter No:-1950226
- 2) Make:- Elymer
- 3) Rating-10-60A 1ph, 2w,50H, CL-1
- 4) Voltage-240V
- 5) Frequency-50Hz
- 6) Meter Constant- 1600imp/kwh
- 7) Consumer no-4113-3301-0297

Consumer Name-Nimai Ch Ghosh

LOAD TEST BY-1PH ACCUCHECK PULSE SCANNER METHOD

METER NO	VREF-240V
1-SL NO-1950226	500-PLS (3.20%)

The meter was tested and found defective.”

16. The opposite party has already been raid the bill on the complainant on Actual /PL basis with adjustment of provisional amount from Aug-2006 to 17.12.2021 w.r.t consumption recorded in meter SI No 1950226 although was defective in nature & the date was undefine but No testing of meter was conducted w.r.t Regulation 111 i.e., in case of Single phase meter the testing should be at least once in every five years but the opposite party has failed to do so.

17. The opposite party has already been revised the bill as per order of this Forum issued on 26.12.2023 as communicated the order vide L No GRF/Burla/Divn/SED/Final Order/1255(4) but the order Dt. 30.03.2024



issued by this Forum vide Its L No GRF/Burla/Divn/SED/Corrigendum Order/1617(4) yet pending for consideration as the opposite party activated & obtained the clarification from S.E, Main Dam Division Burla & properly verified the field where it is found that the complainant earlier has given many false information rather correctly not presented the actual issue involved herein & during course of hearing with interaction with both parties, this Forum came across many of material facts which was involved but hidden by complainant & able to obtained the favourable order which should not be a good symptoms.

18. As observed by this Forum the complainant has approach to the opposite party after testing of meter during Sept-2021 but could not steps forwards to revise the bill where during that time there was scope of revision more than 02 years which was also in extended service up to July-2023 on application & implementation of OTSS-2022 came into force during Dec-2022. Due to fault of opposite party the bill revision has not been conducted describe knowing the material facts about defective of meter & billing thereon. The meter SI No 1950226 was installed during Aug-2006 & continue up to 17.12.2021 with billing thereon which to be treated as improper although actual bills were served during that period.
19. This Forum believes that the complainant was availing power supply since 1998 & even after his retirement & also at present is using the power supply as seen from the declaration of S.E, Main Dam Division Burla in their letters communicated to SDO (Elect), Burla. The occupation of the complainant is to be treated as un lawful & illegal when we go through the letters of the departments. It is cleared that Sri Ghosh has been occupied the quarter unauthorizedly since 01.04.2004 as the allotment was cancelled by competent authority rather further Sri Ghosh has constructed many shops in the premises of the quarter unlawfully as there was no approval for the same of the authority.

Considering all the material facts, documentary evidences, hearings, referring to observations of earlier order Dt. 30.03.2024 etc this Forum is drawing the following conclusions for resolving the issue of the instant case

- I. To levy fixed cost for the period from June-July/2002 to Jan-2005 (for the LD periods).
- II. To revise the bill for the period from Aug-2006 to 17.12.2021 basing on the average consumption recorded in meter SI No WLT339902 taking IMR as '0' KWh on 18.12.2021 (the date of installation of meter as seen from FG) & FMR as 4573 KWh on 19.06.2022 & the daily/monthly actual average consumption thereof as the meter SI No 1950226 was found defective after testing and nothing has been provided by opposite party & the meter was also not tested w.r.t Regulation 111 as well as no steps have been taken by opposite party for revision of bill where the Regulation 155 & 157 was open for revision for more than 02 years & has happened due to laps of opposite party but not due to fault of complainant. The complainant should not be deprived from the benefit & the benefit of doubt will be given to the complainant.
- III. To claim the correct bill amount from the complainant after revision so mentioned above & to take necessary action for its recovery as the complainant has utilised the power supply during the said periods.



- IV. Disconnect the power supply, if it was allowed earlier, to the shops so constructed by the complainant unauthorisedly & unlawfully and not to restore the power supply after disconnection unless the appropriate authority, i.e. S.E, Main Dam Division Burla will give the clearance & NOC for the same. Besides all these the opposite party will have to take adequate steps to recover the outstanding amount, if any, on the commercial shops.
- V. The opposite party should disconnect the power supply of Consumer No 4113-3301-0297 as the quarter has been occupied forcibly since 01.04.2004 without proper NOC from the owner of the premises & recover the outstanding due on it or otherwise communication may be done to S.E, Main Dam Division Burla for recovery of the said account either from pending retirement benefits/pension etc with communication to AG, Odisha for action as deemed fit.
- VI. The opposite party is in the liberty to take action as per law besides mentioned here as deemed fit for such an irregular & unauthorised consumer.
- VII. The complainant is supposed to pay the outstanding dues of consumer no 4113-3301-0297 after revision so ordered in SI No I & II as well as the outstanding dues on the shops constructed in that premiss unauthorisedly as reported by competent authority.

ORDER

Considering the documents and statements submitted by both the parties at the time of hearing, the Forum hereby passes orders that:

1. Both the are directed to act as per the instruction given below:-

- A. To levy fixed cost for the period from June-July-2002 to Jan-2005 (for the LD periods).
- B. To revise the bill for the period from Aug-2006 to 17.12.2021 basing on the average consumption recorded in meter SI No WLT339902 taking IMR as '0' KWh on 18.12.2021 (the date of installation of meter as seen from FG) & FMR as 4573 KWh on 19.06.2022 & the daily/monthly actual average consumption thereof.
- C. To claim the correct bill amount from the complainant after revision so mentioned above & to take necessary action for its recovery as the complainant has utilise the power supply during the said periods.
- D. Disconnect the power supply if it was allowed earlier to the shops so constructed by the complainant unauthorisedly & unlawfully and not to restore the power supply after disconnection unless the appropriate authority i.e. S.E, Main Dam Division Burla will give the clearance & NOC for the same. Besides all these the opposite party will have to take adequate steps to recover the outstanding amount, if any, on the commercial shops.
- E. The opposite party should disconnect the power supply of Consumer No 4113-3301-0297 as the quarter has been occupied forcibly since 01.04.2004 without proper NOC from the owner of the premises & recover the outstanding due on it or otherwise communication may be done to S.E, Main



Dam Division Burla for recovery of the said amount either from pending retirement benefits/pension etc with communication to AG, Odisha for action as deemed fit.

F. The opposite party is in the liberty to take action as per law besides mentioned here as deemed fit for such an irregular & unauthorised consumer.

G. The complainant is supposed to pay the outstanding dues of consumer no 4113-3301-0297 after revision so ordered in SI No A & B as well as the outstanding dues on the shops constructed in that premiss unauthorisedly as reported by competent authority.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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)

(Co-Opted Member)

Grievance Redressal Forum
TPWODL, Burla - 768017

Copy to: - (1) Sri Nimai Ch. Ghosh, At -Qtr. No-E-29/6, Po- Burla, Dist-Sambalpur.

(2) Sub-Divisional Officer (Elect.), Burla, TPWODL, Sambalpur 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.



(A.K. Satpathy)

President

Grievance Redressal Forum
TPWODL, Burla - 768017

"If the complainant is aggrieved by this order of the Grievance Redressal Forum, 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 Forum."

This Order can be accessed at TPWODL Website → tpwesternodisha.com → Customer zone → Grievance Redressal Forum → BURLA (Case No BRL/64/2023)

