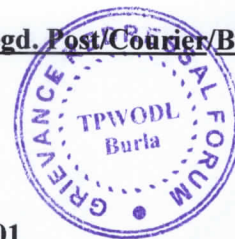


**Grievance Redressal Forum
TPWODL, BURLA**

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.Satpathy, President B.Mahapatra (Co-opted Member) and A.P.Sahu, Member (Finance)



Ref: GRF/Burla/Div/SEED/ (Final Order)/ 1505 (4)

Date: 27/02/24

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

1	Case No.	BRL/213/2023			
2	Complainant/s	Name & Address	Consumer No	Contact No.	
		Smt Mousumi Behera W/O Sri Bhimsen Behera At-Kumbharpada, Putibandh Po/Ps-Dhanupali Dist-Sambalpur	4162-3206-0249	7683818925 8917514949	
3	Respondent/s	S.D.O(Electrical) Dhanupali,TPWODL,		Division S.E.E.D, TPWODL, Sambalpur	
4	Date of Application	18.09.2023			
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	26.09.2023	06.10.2023	09.11.2023	11.01.2024
9	Date of Order	27/02/24			
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- Smt Mousumi Behera

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



GRF Case No- BRL/213/2023

(1) Smt Mousumi Behera
W/O Sri Bhimsen Behera
At-Kumbharpada, Putibandh
Po/Ps-Dhanupali,
Dist-Sambalpur.
Consumer No.- 4162-3206-0249

VRS

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

COMPLAINANT

OPPOSITE PARTY

GIST OF THE CASE

1. Smt Mousumi Behera W/O-Sri Bhimsen Behera , Kumbharpada, Putibandh, PS/Po-Dhanupali, Sambalpur has sent a grievance through Redg. Post to GRF, Burla which was received on 07.09.2023 by GRF, Burla wherein she has “put faith the following grievance in connection with illegal demand of lakhs of rupees by TPWODL staff as electricity dues” for early redressal at GRF Burla and to save her & her family from undue harassment.
2. The above grievance petition of Smt Mousumi Behera was registered by GRF, Burla as Case No 213/2023 on 18.09.2023 and was listed for hearing in GRF, Burla on 26.09.2023 at 11AM and accordingly notice were sent vide Letter No 161(2) Dt.25.09.2023 by this Forum to
 - i. Smt. Mousumi Behera W/O-Shi Bhimsen Behera, At-Kumbharpada, Putibandh, PO/Ps-Dhanupali.
Dist-Sambalpur ----- Complainant
 - ii. SDO(E)-II, Dhanupali, TPWODL,Sambalpur ----- Opposite party
3. On the schedule date of hearing on 26.09.2023 the complainant remained absent and SDO(E)-II, Dhanupali (Opposite party) was present and SDO(E)-II, Dhanupali submitted a written version on the above complainant.
4. As the complainant was absent in the hearing the same case was deferred to be heard on 06.10.2023 at 11AM and accordingly notice vide L No 165(2) Dt. 26.09.2023 was sent to both the complainant & opposite party.
5. On 06.10.2023, the hearing could not be conducted due to lack of Quorum of the Forum. The complainant has remained present. The matter was deferred to next date of hearing and accordingly notices were sent to both the parties vide L No 168(2) Dt.03.11.2023 to attend hearing on 09.11.2023 at 11 AM.
6. On Dt.09.11.2023 at 11AM, the complainant Smt Mousumi Behera remained present on the hearing. The opposite party SDO(E)-II, Dhanupali reported online as he was busy otherwise and the hearing was conducted by this Forum as the opposite party has already submitted its written statement earlier on 26.09.2023.

CONDUCT OF THE HEARING & OBSERVATION THEREOF

On the date of hearing on 09.11.2023 at 11AM the complainant was heard in detail. Her grievance petition which was received by this Forum was considered in detail and required relevant queries were asked to her. She further submitted some relevant documents in support of her petition which were perused in detail by the Forum. From the statement of the petitioner and from the documents submitted by both the petitioner and the opposite party, this Forum has observed that: -

1. Smt Mousumi Behera has given a grievance petition for redressal by this Forum wherein she has stated that her husband has purchase a land of area of 0.010 decimal in plot No 643 of unconsolidated khata No 248/1204 of Mouza Putibandh, Tahsil Maneshwar Dist-Sambalpur where they have constructed a house in 2021.

2. After construction of the said house electricity was supplied to her house on consideration of her online application & deposit of an amount of Rs.4067.00 (Rupees Four thousand sixty seven only) towards processing fees, service connection charges, inspection fees, Security deposit and meter cost on 23.01.2022 vide Unique Payment Application No (UPAN) for the new connection (Domestic Single phase). Here she did not mention the SL No of the UPAN.

At the time of hearing while she was asked about the SI No of UPAN she and her husband replied that they have not brought the said documents with them and that they will furnish it to the Forum soon.

3. She further stated that, her husband is posted at Jharsuguda Police station and she is staying with her four children who are continuing their study in Sambalpur and that during absence of her husband she has been paying electricity charges regularly. She submitted some copies of payment receipt where the consumer Number is 4162-3206-0249 in the name of Smt. Mayabati Buda.
4. The complainant has expressed surprise for being served electricity bill to her in the name of Mayabati Buda and has declared that Smt. Mayabati Buda is in no way related to her neither related to previous land lord from whom her husband purchased the said home stead land. She has further alleged that she has failed to understand why the bill in the name of Mayabati Buda is coming to her whereas electricity connection has been allotted to her on her online application and deposit of processing fees by her. She has also protested against such irregularity but neither the meter reader nor the customer care was prepared to hear her grievance and corrected the name and amount in the respective bill.
5. She has further alleged that instead of asking for the exact amount against the meter reading used by her family the bill collector was forcing her family to pay higher amount with plea that there was outstanding arrear against her account which was an arbitrary decision without having any factual aspect for which they are being penalized for no fault of their.

During last scorching summer, employees of TPWODL Sambalpur were invariably coming to her house and demanded Rs.132425.00 as arrear. On her protest they disconnected her electricity connection several times. Being undone by this disconnection she has paid Rs.20000.00 by online transfer of money to Dushak Pawal Lakra on 22.03.2023 after which her electricity connection was restored. Besides this, on two more occasion she has paid Rs.500.00 each time and she has also furnished copies of payment receipt for the above three transactions.

6. The complainant has alleged further in her written grievance submitted that the above action of employee of TPWODL is a kind of extortion which is purely negligent conduct and the intension is criminal in nature and deliberate action of disconnecting the electricity line demanding illegal & undue arrear amount with the intension of extract money from her as a consumer without having any previous arrear. She has further alleged that thereby the employee of TPWODL have cheated and exploited her.
7. The complainant has prayed to this Forum to enquire in to the matter and to direct the TPWODL authorities to refund the extra amount taken by them at the point of threat of disconnection of electricity line and also to warn them not to repeat the same in future or else she would be compelled to take recourse to criminal case against the erring TPWODL employees & take the shelter of District Consumer Forum, Sambalpur for recovery of the excess amount taken by the staff along with compensation for physical & mental agony suffered by her and her family members for the negligence of service rendered by them on payment.



OBSERVATION FROM THE DOCUMENTS SUBMITTED BY COMPLAINANT

On careful scrutiny of the documents submitted by the complainant this Forum observed that

1. In the grievance petition filed by the complainant Smt Mousumi Behera Dr.05.09.2023 & received by this Forum on 07.09.2023, the plot number 643 of unconsolidated Khata No 248/1204 of Mouza-Putibandh and in the copy of sale deed with e-Registration Id No 1622002259 and e-Registration Document No 1162200217 Dt. 04.11.2020 the plot No mentioned as 643 of unconsolidated Khata No 248/422. This was a discrepancy observed by this Forum. Further, in the written statement submitted by the opposite party SDO(E)-II, Dhanupali vide his L No 311 Dt.20.12.2023, the said Plot No is mentioned as 643 of Khata No 248/1204. As this was a vital difference in description of the Plot No in the petition and in the sale deed the complainant and the opposite party were further noticed vide this Forum L No 06(2) Dt.01.01.2024 to attend on 11.01.2024 for a fresh hearing on the subject and to clarify the same.
Accordingly further hearing was conducted on 11.01.2024 at 12.30PM where both the parties attended. The complainant to clarify the same and in response Smt Mousumi Behera submitted a copy of the original Patta of the said plot wherein it is clearly mentioned that “vide the order of Tahsildar in Dakhal Khat No 1091/2020 Dt.23.12.2020 this Plot No 643/is taken from Khata No 248/422 and has been recorded in New khata No 248/1204 with the signature of Add. Tahasildar, Maneswar”.
With this clarification, this Forum is now convinced that the Plot No described by the complainant in her petition & also by the opposite party i.e. SDO(E)-II, Dhanupali is the same one and that Smt Mousumi Behera has applied for a new power supply for this plot.
2. Further the complainant was asked for the UPAN wherein she has applied for the new connection. She has submitted that the UPAN is 20220122W9999210457.
3. SDO(E)-II, Dhanupali was asked about the status of the UPAN for new supply and he submitted that this application has been rejected and the process of refund of fees deposited has already been initiated by TPWODL. He also submitted a copy of status of the said application confirming the refund initiated.
4. The SDO(E)-II, Dhanupali explained the reason of rejection of the said application as there is existing power supply in the said plot in the name of Smt. Maybati Boda with outstanding arrear of Rs.139633.00 as on 14.12.2023 and hence the said application has been rejected as per clause 17 of OERC Distribution (Conditions of Supply) Code,2019.
5. Further in his written statement vide L No 311 Dt. 20.12.23 SDO(E)-II, Dhanupali has stated that the existing connection is with initial supply date of 16.07.2002 with consumer number 4162-3206-0249.
6. Further, SDO(E)-II, Dhanupali has attached a PVR No 201924 Dt.15.12.2023 conducted for this Consumer No 4162-3206-0249 where the user of this connection is verified to be Mousumi Behera, Putibandh, Mob No -7683818925 with connected load of 2.990KW. The said PVR has also been signed by Mousumi Behera. Meter installed is with SI No TPWODL1148850 with CMR=1585KWh.

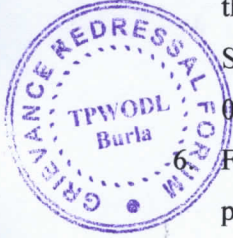
FACTS FOUND FROM ANALYSIS OF STATEMENT & DOCUMENTS

From the careful study and analysis of the statements and documents submitted by both the parties this Forum has come to the understanding that: -

1. The complainant Smt Mousumi Behera has applied for a new electric connection to her newly constructed house at Plot No 643 of Khata No 248/1204 of Mouza-Putibandh under SDO(E)-II, Dhanupali vide UPAN No 20220122W9999210457.



2. The same application was rejected by SDO(E)-II, Dhanupali as per clause 17 of OERC Distribution (Conditions of Supply) Code, 2019 as there is an existing supply with consumer Number 4162-3206-0249 in the name of Mayabati Buda with an outstanding of arrear amount of Rs.139633.00 as on 14.12.2023.
3. The existing supply with consume number 4162-3206-0249 is being used by the owner of the present newly constructed house of Smt.Mousumi Behera since 23.01.2022 as per her own statement by Smt. Behera in the original grievance petition.
4. One meter with SI No TPWODL1148850 was installed for the said connection on 10.06.2023 as per the meter protocol SI No 7414 submitted by the complainant which is also signed by her.
5. The existing connection with consumer number 4162-3206-0249 has been in the plot since 16.07.2002 in the name of Mayabati Buda who was the then user of the connection in the said plot owned erstwhile by Smt Sobhamani Buda wife of Mangobind Padhan and D/O Gaya Buda who later sold this Plot on 04.11.2020 to Sri Bhimsen Behera who is the husband of the complainant Smt. Mousumi Behera.
6. From the W/S of SDO(E)-II, Dhanupali it is also learnt that "the said plot is sold by the land lord in three parts. Two parts among the three were sold earlier. The power supply bearing consumer Number 4162-3206-0249 was availed by land lord. Now Smt Mousumi Behera has purchased the last part and using the power supply in the name of Mayabati Buda bearing consumer Number 4162-3206-0249



ORDER

After carefully examining the statement & documents submitted by the complainant & the opposite party this Forum is pleased to order as follows:-

1. A committee headed by E.E, SEED, Sambalpur with SDO(E)-II, Dhanupali, ESO-2, Dhanupali and a senior lineman of the area as its member which will decide on the actual date till which the power supply was being used by the previous land owner/Mayabati Buda by conducting a through enquiry. The complainant Smt. Mousumi Behera is also directed to co-operate with the said committee for the said conduct of enquiry.
2. The bill of the consumer No 4162-3206-0249 with present outstanding amount of Rs.139633.00 as on 14.12.2023 should thereafter be revised as per the outcome of the enquiry conducted by the above committee in to the actual date of usage and keeping in view the present use by Smt Mousumi Behera from 23.01.2022 with out meter and rom 10.06.2023 through meter No TPWODL1148850 till date.
3. The revised/corrected bill so prepared be served to the present user of the connection Smt Mousumi Behera who should clear/arrange to clear the revised amount as the purchaser of the plot with an existing power supply connection with outstanding amount.
4. After the outstanding amount is cleared by the present user the opposite party should change the name of consumer as per the request to be made afresh by the complainant as per law.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. **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)

Co-opted Member

Grievance Redressal Forum
TPWODL, Burla - 768017



(A.P. Sahu)
Member (Finance)
Member

Grievance Redressal Forum
TPWODL, Burla - 768017



(A.K. Satpathy)
President
President

Grievance Redressal Forum
TPWODL, Burla - 768017

Copy to: -

- (1) Smt Mousumi Behera, W/O Sri Bhimsen Behera, At-Kumbharpada, Putibandh, Po/Ps-Dhanupali, Dist-Sambalpur.
- (2) Sub-Divisional Officer (Elect.)-I, Dhanupali, TPWODL, Sambalpur with the direction to serve one copy of the order to the Complainant/Consumer.
- (3) Executive Engineer (Elect.), SEED, 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.orerc.org under the "head "Cases->"GRF".