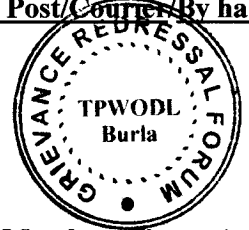


**Grievance Redressal Forum  
TPWODL, BURLA**

Quarter No: SD-6/2, Sourav Vihar, Near NAC College,  
Burla, Bargarh, Pin- 768017

Email: [grf.burla@tpwesternodisha.com](mailto: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/BNED/ (Final Order)/ 2231 (4)

Date: 30/12/24

**Present:**

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

1	Case No.	BRL/776/2024			
2	Complainant/s	Name & Address	Consumer No	Contact No.	
		Govinda Kumar Gupta At-School Pada (Gumadera), Po-Gumadera ,Ps-Belpahar Dist-Jharsuguda-768218	4172-2403-0248	6370504482	
3	Respondent/s	S.D.O (Elect) Belpahar, Brajarajnagar	Division B.N.E.D, TPWODL, Brajaranagar		
4	Date of Application	28.10.2024			
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	07.11.2024			
9	Date of Order	30/12/24			
10	Order in favour of	Complainant	√	Respondent	Others
11	Details of Compensation awarded, if any.	NIL			

**Appeared**

**For the Complainant-** Govinda Kumar Gupta

**For the Respondent -** SDO(Electrical) Belpahar, JED, TPWODL

**GRF Case No- BRL/776/2024**

Govinda Kumar Gupta

At-School Pada (Gumadera),

Po-Gumadera ,Ps-Belpahar

Dist-Jharsuguda

Consumer No-4172-2403-0248

**VRS**

SDO(Electrical), Belpahar, BNED, TPWODL.



**COMPLAINANT**

**OPPOSITE PARTY**

**GIST OF THE CASE**

Govinda Kumar Gupta has appeared in the hearing on Dt. 07.11.2024 at GRF Office, TPWODL, Burla and submitted a written complaint wherein he has stated about NSC issue & requested to revise/rectify the same. The complainant has submitted the written statement which details are given below: -

1. "The complainant is residing in the house situated at Schoolpada (Gumadera), since his childhood, when he was 3 years old.
2. The said house has been purchased by the father of the complainant i.e, Sipujan Gupta @Sa in the year 1992 from Maqsood Ali where the electric line has been connected in the name of Former house owner namely Maqsood Ali vide Consumer Ac No 14133011930, A/C No 4172-2403-0248
3. That, soon after purchased the said land and house (Two rooms) with electrification at Gumadera, the father of the complainant was residing in said house with his family members along with this complainant.
4. That, the father of the complainant being the Karta of the family, was poorer and illiterate also sick and later died.
5. That, now the complainant has applied for the new line connection in his name and he has fulfilled all the procedures and paid the due amount at the time of apply.
6. That, it is found that the concern department of the electricity has visited and done the necessary physical verification but there is nothing any response till today.
7. That, the complainant is left without the new line connection sought for and is told to pay the previous arrear of the former owner Maqsood Ali, without which new line connection might not be possible.
8. That the complainant is now compelled to raise the claim and right to electricity and under right to service Act and also raise the previous arrear as unreasonable and non-reliable to pay from complainant side.
9. That, be it mentioned here that there is one new line connection in name of Rajesh Gupta vide Cons A/C No-4172-2433-3705, Consumer ID-14172013352 is the same premises freshly.
10. That, the complainant is seen being target to levy the charge of the said arrears over him, from the departmental side is illegal and out of any guide lines of O.E.R.C (electricity) and it is seem bf in the eye of law.
11. That, as such, the complainant is being harassed physically and mentally in hope of new line connection, which went in vain, till the days today.

  
President

Grievance Redressal Forum  
TPWODL, Burla - 768017

12. That during the time today, the concern department goes on threatening to cut off the line already available in the premises without a hearing and solution or justice to the complainant with a point of view to collect the arrears only.

**Prayer of the complainant**

It is thereafter, the complainant prays your honour to be kindly pleased to consider the following for necessary directions to the concern department

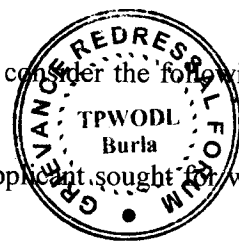
1. Let the new line connection be allowed in the name of the complainant/Applicant sought for without any contradiction and unreasonable charges over him freshly.
2. Let be the cause of case be admitted for proper hearing and reach the merit of direction and justice and till the case is pending for final order/direction. Let the line already available in the premises be continued and pass an interim order if deem fit necessary."

**SUBMISSION OF OPPOSITE PARTY**

The opposite party has submitted billing abstract from March 2001 to Sept 2024, a PVR carried out on Dt.05.11.2024 & Written Statement documents in this case. The W/S of opposite party is as below: -

- In the above case, the above service connection is in the name of Mr. Maqsood Ali, but it is represented by Sri Govind Kumar Gupta as the complainant.
- As per our record the Power supply was given to the above premises on Dt.01-01-1990.
- As per the available records with us from Feb,2001 onwards, it is found that the consumer has an arrear of Rs.15090.80 up to Jan, 2001. Then, from Feb,2001 to Dec,2007, average and provisional bills had been raised @ 288 units bimonthly and 144 units monthly in reference to Meter SL. No-WESCO218381 and 1831929 respectively. Then, from Jan,2008 to Apr,2015, bills were served on Actual & Provisional basis in reference to meter SL. No- 189856 but with not proper adjustment of provisional bills for some periods. So, there is a scope of adjustment of provisional bills for some periods. Then, from May,2015 to till date the billing is continuing actual & provisional basis in reference to WCV21720 along with auto adjustment of all provisional bills. The consumer has made part payments in between the periods with a large gap period. Now, the consumer has an arrear of Rs. 50731.62 up to Sep,2024.
- Regarding the grievance of the complainant for non-sanction of new power supply connection to him, this office has found the following reasons behind it.

- I. That, the sale deed submitted by the complainant is between Sri Maqsood Ali. and Sri Rajesh Prasad Saha, S/o-Sibapujan Saha but nowhere it is mentioned the name of the complainant as a Party of the deed. So, the sale deed is not a valid document for proof of the ownership of the complainant.
- II. That, there is no Patta of the premises in the name of the complainant which can prove the ownership of the complainant.
- III. That, for sanction of a new connection, it is mandatory to fulfill the Regulations 4,5(a), 6(A),7,8,9 of Condition of Supply Code of OERC Regulation Act,2019 amended thereto regarding proof of lawful ownership or occupier of the premises. But the complainant has no such documents to fulfill the above condition.
- IV. That, Regarding any unpaid charges or arrear of the previous occupier, the Regulation 17(VI) of Condition of Supply Code of OERC Regulation Act,2019 says that "Any charge for 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".* So, here in this case the complainant has to clear all the dues before applying for a new connection if he will be eligible for the same.

- V. That, if the complainant himself declared as the legal and lawful owner of the premises then why he has not taken steps for transfer of name in the electricity bill from the previous owner to his own name for such a long period of time?
- VI. That in view of the above facts, a new power supply cannot be issued in the name of the complainant as it is unlawful in the eyes of the Law.
- VII. That, regarding the power supply to Sri Rajesh Gupta, the PVR and Reply of ESO, Gumadera is attached herewith for your reference.
- VIII. That there is absolutely no cause of action for the present case and since the instant Petition is devoid of merit, the Petitioner is not entitled to any relief as claimed for and hence the instant petition is liable to be dismissed by Hon'ble GRF as per prevailing rules & regulations.

#### **OBSERVATION**

The case is pursued with all documents available in records submitted by the complainant and merit of the case. On examining the case in details, the Forum observed that the above complainant has applied for NSC but not submitted any relevant documents for online application & came to know about NSC during course of hearing. Both parties have submitted their W/S in this case and the opposite party has also submitted a PVR conducted on 05.11.2024 with the remarks that Govind Ku Gupta is using the P/S from Consumer No 4172-2403-0248. This Forum has gone through the W/S were filed by parties and found that the complainant has failed to submit the appropriate documents except copy of Adhar as required under regulation 4, 5(a), 6(A), 7, 8, 9 of OERC Distribution (Conditions of Supply) Code, 2019. The copy of land documents was so submitted are not acceptable as not w.r.t law. The sale deed so submitted is not a valid document & not complied to took of ownership of the complainant. Further, the complainant has not also submitted the ROR of the plot which creating more confusion on the sale deed. The compliant may be forcibly occupy the plot which belongs to NSC/Tahasildar/Govt of Odisha. Earlier there was power supply in the name of Maqsood Ali in the same plot bearing Consumer No 4172-2403-0248 with having an arrear amount due Rs.50001.63. Regulation 17(vi) & 17(i) of OERC Distribution (Conditions of Supply) Code, 2019 may be followed which are given below: -

**17(iv)**-“Any charge for electricity or any sum other than charge for electricity as due and payable to licensee/supplier which remain unpaid by a deceased consumer or the erstwhile owner/occupier of the land/premises as the case may be, shall 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.”

**17(i)**- “If the applicant in respect of an earlier agreement executed in his/her 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 supply shall not be allowed by the engineer until the arrear are settled and paid in full."

Further, in this case this Forum has followed the Regulation 7(f) and 14 to arrive on the conclusion in this case & the details are as below:-

7(f)- "An applicant who is not an owner but an occupier of the premises shall, along with any one of the documents listed at (a) to (d) in this clause to be referred by both parties."

14-"An applicant, who is not the owner of the premises occupied by him, shall execute an indemnity bond, indemnifying the licensee/supplier against any damages payable on account of any dispute arising out of power to the premises."

After considering all the material facts the Forum believes that the new power supply may not be released to Govind Ku Gupta unless otherwise clear the dues stand in the name of Maqsood Ali bearing Consumer No 4172-2403-0248 in total w.r.t Regulation 17(i) & 17(iv) as applicable but the NSC may be considered to release in the name of above complainant on clearance of the dues as mentioned here along with submission of NOC from owner of the premises i.e, from NSC/ Tahasildar Brajarajnagar/Govt of Odisha as the case may be along with the indemnity bond w.r.t Regulation 7(f) and 14 as applicable. The opposite party may look into the matter & go for revision of bill if applicable w.r.t Regulation otherwise not and claim the arrear from the complainant before release of NSC along the desired document as explained here.

Hence it is the opinion of the Forum that the opposite party is liable to revise the bill of Maqsood Ali bearing Consumer No 4172-2403-0248 if applicable as per Regulation otherwise not and demand the total arrear to the complainant Sri Govind Ku Gupta for its clearance and after that on submission of NOC from NSC/ Tahasildar Brajarajnagar/Govt of Odisha as the case may be along with the indemnity bond w.r.t Regulation 7(f) and 14 as applicable, the opposite party may release the NSC to the complainant. The complainant of is supposed to clear the dues as per demand of opposite party as directed here as well as will submit the relevant document as mentioned to avail the facility of NSC.


### **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 revise the bill of Maqsood Ali bearing Consumer No 4172-2403-0248 if applicable as per Regulation otherwise not and demand the total arrear to the complainant Sri Govind Ku Gupta for its clearance and after that on submission of NOC from NSC/ Tahasildar Brajarajnagar/Govt of Odisha as the case may be along with the indemnity bond w.r.t Regulation 7(f) and 14 as applicable, the opposite party may release the NSC to the complainant.
2. The complainant is directed to clear the outstanding dues on Maqsood Ali bearing Consumer No 4172-2403-0248 arrived after revision if applicable as per regulation otherwise not as per demand of opposite party as well as will submit the NOC from NSC/ Tahasildar Brajarajnagar/Govt of Odisha as the case may be along with the indemnity bond.
3. The Opposite party is directed not to consider the bill revision for the period revised earlier and adjust the revision as per law/for the period of penalty/in both cases, if any, as applicable as it has 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 benefits of OTS scheme and rebate thereof, if any, as applicable as it has 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 into 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, serve 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 at, 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)**  
 (Co-Opted Member)  
*Co-opted Member*  
**Grievance Redressal Forum**  
**TPWODL, Burla - 768017**  
*Copy to:*

  
**(A.P. Sahu)**  
 Member (Finance)  
*Member*  
**Grievance Redressal Forum**  
**TPWODL, Burla - 768017**

  
**A.K. Satapathy**  
 (President)  
*President*  
**Grievance Redressal Forum**  
**TPWODL, Burla - 768017**

1. Govinda Kumar Gupta, At-School Pada (Gumadera), Po-Gumadera, Ps-Belpahar, Dist-Jharsuguda
2. Sub-Divisional Officer (Elect.) Belpahar, BNED, Brajarajnagar, TPWODL, with the direction to serve one copy of the order to the Complainant/Consumer
3. Executive Engineer (Elect.), BNED, TPWODL, Brajarajnagar
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](http://www.orerc.org) under the "head "Cases-> "GRF".)