

CONSUMER GRIEVANCE REDRESSAL FORUM

ELECTRICAL CIRCLE, ROURKELA

Plot No. UU/9, Civil Township, Rourkela-769004

Phone: (0661) 2952614, E-mail: grf.rourkela@tpwesternodisha.com

Present:

Sri Achyutananda Meher ... President
Sri Pulakesh Dasbhaya ... Member (Finance)
Sri Girish Chandra Mohapatra... Co-opted Member

1	Case No.	RKL/ 1374/ /2023			
2	Complainant	Name & Address:		Consumer No:	
		M/S Indian Institute for Production Management		8130-0000-0031	
		At/PO- North Colony, L & T, Kansbahal, Dist- Sundargarh.		Contact No.: 9938776745	
3	Respondent	Name		Division	
		Executive Engineer, RED, TPWODL, Rajgangpur.		RED, TPWODL, Rajgangpur.	
4	Date of Application	13.12.2023			
5	In the matter of-	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 & equipments	
		13. Transfer of Consumer Ownership		14. Voltage Fluctuations	
		15. Others (Specify) -			
6	Section(s) of Electricity Act, 2003 involved	42(5)			
7	OERC Regulation(s):				Clauses
	1	OERC Distribution (Licensee's Standard of Performance) Regulations,2004			
	2	OERC Conduct of Business) Regulations,2004			
	3	Odisha Grid Code (OGC) Regulation,2006			
	4	OERC (Terms and Conditions for Determination of Tariff) Regulations,2004			
	5	Others-OERC Distribution (Conditions of Supply) code, 2019			157
8	Date(s) of Hearing	26.12.2023/04.01.2024/19.01.2024			
9	Date of Order	22.02.2024			
10	Order in favour of	Complainant	√	Respondent	Others
11	Details of Compensation awarded, if any.	Nil			
12	Appeared for the Complainant:		Appeared for the Respondent:		
	1. Sri Prasanna Mohanty 2. Sri Sachidananda Swain		1. Er. Samaresh Pal, EE 2. Sri Uma Shankar Yadav, Manager (Fin. & Com.)		

ORDER

Brief Facts of the Case

The present case has been registered in this forum vide Case No. 1374 of 2023. Brief facts pertaining to the case are that the Complainant is a HT-SPECIFIED PUBLIC PURPOSE consumer having consumer No. 813000000031 with contract demand of 200.00 KW.

That the Complainant has raised objection regarding the Monthly Minimum Fixed Charge (MMFC) served to him from Apr'2022 to Jun'2023. The complainant has also requested the Forum for revision of bills and refund of extra money deposited by him towards 11KV metering cubicle.

Gist of Arguments made by the Parties

During the hearings on dated 26-12-2023, 04-01-2024, 19-01-2024 and 30-01-2024, both the parties were present. The contentions made by the parties are as follows:

1. Submission of the Complainant:

- The complainant submits that, the contract demand was varying from initial demand of 500 KW to latest demand of 316 KW. However, power supply to the complainant was given at LT side by a 100 KVA transformer installed by the respondent till 10-07-2023.
- The complainant also submits that; the billing was done at LT tariff of Specified public Purpose category till Mar'2022.
- Thereafter as per amendment of agreement on dated 22-05-2022, the load was reduced to 200 KW and the tariff was changed to HT tariff of Specified public Purpose category from Apr'2022 bill. But the MMFC charged to him was based on contract demand of 316 KW from Apr'2022 to Jun'2023.
- He further submits that; a new 250 KVA transformer was installed by the complainant on 11-07-2023 and from Jul'2023, the MMFC charged to him was based on contract demand of 200 KW.
- The complainant further submits that; as per letter no. Rev/144(PI)/6365 dated 27-10-2011 of Executive Engineer, RED, Rajgangpur, the complainant has paid Rs.53709.00 vide cheque no. 736896 dated 03-12-2011 towards the cost of 11KV metering cubicle. However, due to certain financial constraints at that time, the complainant was unable to execute the transformer installation process and the amount was remained with the respondent which

is to be refunded to him as he has paid again towards the cost of 11KV metering cubicle on 20-05-2022 against the new estimate.

- He also requested the Forum to revise the bills.

2. Reply Submission of the Respondent:

- The respondent submitted that; the contract demand was 316 KW prior to amendment of agreement dated 22-05-2022 and reduced to 200 KW w.e.f. 22-05-2022.
- Consumer was billed at LT billing tariff even though as per contract demand it has to be billed at HT tariff and MMFC should be levied as per HT category consumer.
- Consumer has executed agreement with licensee on 22-05-2022 with reduce contract demand 200 KW at HT supply and consumer has installed 250 KVA transformer. Which was not installed by the consumer during the period May'2022 to Jun'2023.
- The respondent also submits that; as per Regulation 48(ii) of Odisha Electricity Regulatory Commission Distribution (Conditions of Supply) Code, 2019 "***If an agreement has been executed, but power supply has not been effected, any change in Contract Demand shall be treated under the new agreement afresh***".
- Regarding refund of payment made against 11 KV metering cubicle dated 03-12-2011 Rs.53709.00, it is the duty of the consumer to install Transformer of appropriate rating as per the Estimate. Transformer was not installed by consumer for around 12 years and the licensee has suffered loss of MMFC, due to LT billing during this period.

Findings of the Forum

Written/verbal Submissions made by both parties and arguments heard at length. This Forum, after hearing the parties and going through the relevant documents and provisions of law have concluded as follows:

- That as per amendment of agreement dated 22-05-2022, the tariff was to be at HT supply and at the same time load was to be reduced to 200 KW. The tariff was changed to HT category from Apr'2022 and billing was also done as per HT tariff but load was not reduced to 200 KW from 316 KW and MMFC was also charged on 316 KW. This is noted by the Forum that only one part of the amended agreement was executed and other part has not been taken in to consideration

by the respondent. If the amended agreement was to be considered then it was to be considered in total.

- Therefore, the submission by the respondent regarding charging of MMFC is not acceptable by the Forum.
- Regarding refund of Rs. 53709.00 deposited by the complainant towards the cost of 11KV metering cubicle, it is noted by the Forum that, whatever may be the reason for non-installation of Transformer at that time, the respondent should not charge twice for the same. As the respondent has again charged the complainant towards cost of metering cubicle vide new estimate (Tr. No.-1568) and complainant has deposited the same again on 20-05-2022.


Directions of the forum

In view of the above findings and discussions, the Forum is of the view that,

- The MMFC charged to the complainant from Apr'2022 to Jun'2023 are to be revised as per contract demand of 200 KW with HT tariff.
- The amount of Rs. 53709.00 deposited by the complainant towards the cost of 11KV metering cubicle should be refunded to the complainant.

Matter is closed herewith and the compliance report to be submitted to the undersigned on or before dated **31-03-2024**.

"If the complainant is aggrieved with this order or non-implementation of the order of the Grievance Redressal Forum in time, 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 Grievances Redressal Forums".



Co-Opted Member



Member (F)



President

No. GRF/RKL/ 81⁽⁴⁾

Date: 22/02/2024

Certified Copy to:

- 1) The Superintending Engineer, Electrical Circle, TPWODL, Rourkela.
- 2) The Chief Legal, TPWODL, Burla.