

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/24/2024		
2	Complainant	Name & Address:		Consumer No:
		Saroj Devi Jaiswal		8141-2217-0042
		Plot No-CC/5, At/PO- Civil Township, Rourkela, Dist- Sundargarh.		Contact No.: 7008724574
3	Respondent	Name		Division
		SDO-I, RSED, TPWODL, Rourkela.		RSED, TPWODL, Rourkela.
4	Date of Application	04.01.2024		
5	In the matter of-	1. Agreement / Termination	2. Billing Disputes	<input checked="" type="checkbox"/>
		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		
8	Date(s) of Hearing	19.01.2024/03.02.2024/13.02.2024		
9	Date of Order	30.03.2024		
10	Order in favour of	Complainant	Respondent	<input checked="" type="checkbox"/> Others
11	Details of Compensation awarded, if any.	Nil		
12	Appeared for the Complainant:		Appeared for the Respondent:	
	Sri Shreekant Jaiswal		1. Er. Sandeep Parida, SDO 2. Sri Ashok Panda, Acct 3. Sri Jay Krushna Sahoo, OAG	

ORDER

Brief Facts of the Case

The present case has been registered in this forum vide Case No. 24 of 2024. Brief facts pertaining to the case are that the Complainant is a LT-Domestic consumer having consumer No. 814122170042 with contract demand of 3.00 KW.

That the Complainant has raised objection regarding deficiency of service and to impose penalty under proposed guaranteed standard of performance from 24-09-2021 to 16-06-2023 (631 days) @ Rs 100/- per day i.e. Rs. 63,100/- as per proposed guaranteed standard of performance and level of compensation to consumer for default in service. He also requested for revision of provisional and average bills presented from time to time as per clause 58(I) of OERC Regulations 2004 with proper accounting system.

Gist of Arguments made by the Parties

During the hearings on dated 19-01-2024 and 03-02-2024, the complainant was not present but respondent was present and later on hearing on dated 13-02-2024 both the parties were present. The contentions made by the parties are as follows:

1. Submission of the Complainant:

- a. That, I am the inhabitant of Rourkela city and a bonafide consumer of electricity had taken the electrical connection to my residential building at Civil Township before 2005 period.
- b. That, I had not ever defaulter consumer to pay electrical dues to the company.
- c. That, due to defect of meter, I had intimated to the commercial manager of TPWODL to set up a new meter in my premises to pay the actual cost of my electrical dues- enclosed the copy of letter dt. 22.09.2021 received the same also on 22.09.2021 as Annexure-1.
- d. That, the company charged provisional bills for September & October,2021 and averaged bill from November,2021 showing defective meter.

- e. That, I had already paid Rs.472/- dt. 23.09.2021 towards testing charge of the meter. Enclosed the copy of money receipt no. B57092193 as Annexure-2.
- f. That, I had to run so many times to the office of the Executive Engineer, TPWODL and also Sub-Division office but nobody could extend their helping hand to set up the new meter in my premises.
- g. That, the company set up new meter on 17-06-2023. That, an amount of Rs. 42,890.92 Arrear of electricity bill forwarded to me on 23.07.2023 as mentioned in this bill.
- h. That, this is completely the manipulation of TPWODL on consumer which can treated a "Taliban Administration".
- i. That, as per letter issued by the Executive Engineer (Electrical) TPWODL Rourkela vide letter no. 1080 dt. 15.09.2023, I preferred this complaint before GRF for redressal my grievance. Enclosed the copy of letter as Annexure-3.

That the Complainant has raised objection regarding deficiency of service and to impose penalty under proposed guaranteed standard of performance from 24-09-2021 to 16-06-2023 (631 days) @ Rs 100/- per day i.e. Rs. 63,100/- as per proposed guaranteed standard of performance and level of compensation to consumer for default in service.

He also requested for revision of provisional and average bills presented from time to time as per clause 58(I) of OERC Regulations 2004 with proper accounting system.

2. Reply Submission of the Respondent:

- i. The respondent produced the billing abstract from Apr'2018 to Jan'2023 and a copy of bill revision statement dated 21-07-2023 on 19-01-2024 and later on a final submission has been submitted to the Forum on 30-03-2024.
- ii. The respondent also agreed to the receipt of complaint on dated 22-09-2021.
- iii. The respondent also agreed to the average billing from Sep'2021 to May'2023. The respondent also mentioned that, the effect of pandemic problem was not gone completely and sufficient manpower and materials were also not available and also as there was no power supply problem in the premises of the complainant the complaint could not be attended in time without any ill intention.

- iv. In the meantime, the vigilance cell booked a case of Mis-use of tariff (Domestic to Commercial) and provisionally assessed an amount of Rs.19,958.00 and Final amount of Rs.11,975.00 (*Without any objection consumer paid the assessed amount*).
- v. Later on, the complainant revisited the office in the month of July-2023 regarding the same meter issue. On the basis of complaint, the consumer's meter was verified to be in running condition and hence issued direction to the concerned ESO to install a check meter on Dt.04/07/2023. On comparison, the reading of the check meter and consumer's meter it was found that meter was 85.80% Fast. Accordingly, a revised bill on commercial tariff amounting to **Rs.60,211.00** was prepared by considering and deducting (*on request of consumer*) the penal amount of Rs.11975.00 on Dt.20/07/2023(Copy already submitted). An arrear amount of **Rs.42,891.00** was still pending against the said Service connection and hence the consumer was asked to clear all the outstanding dues otherwise the differential amount to be debited in the bill.
- vi. That, the said consumer was then agreed (*During Hearing the consumer also agreed the then proposal*) to clear all the dues and not to work out the revised bill, but filed a complaint in your good office for compensation claim without any further intimation to the undersigned.

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:

1. That the complainant has been billed on actual meter readings up to Aug'2021 with a meter reading of "12576" of meter no. 029006 and from Sep'2021 to May'2023 provisional and average bills have been served.
2. It is noted by the forum that on the complaint given by the complainant, respondent has cleared that there was no ill intention to test the meter rather due to Force Majeure condition, the complaint could not be attended in time.
3. However, the respondent attended the complaint and install a check meter on dated 04-07-2023 and found the meter was 85.0% fast and revised the bill accordingly as per commercial tariff as reported by vigilance cell.

Directions of the forum

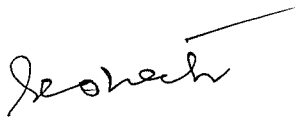
In view of the above findings and discussions, the Forum is of the view that,

Regarding the impose of penalty under proposed guaranteed standard of performance from 24-09-2021 to 16-06-2023 (631 days) @ Rs 100/- per day i.e. Rs. 63,100/- as per proposed guaranteed standard of performance and level of compensation to consumer for default in service, it is clearly mentioned in Orissa Electricity Regulatory Commission (Licensees' Standards of Performance) Regulations, 2004 under section 8 (1) as follows:

"The standards of performance specified in this regulation shall remain suspended during Force Majeure conditions such as war, mutiny, civil commotion, riot, flood, cyclone, lightning, earthquake or such other force and strike, lockout, fire affecting the Licensee's installations and activities." The aforesaid period comes under COVID-19.

Therefore, the petition against imposing penalty is hereby denied and rejected.

"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/233⁽⁴⁾

Date: 30/08/2024

Certified Copy to:

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

